6601. By Mr. PATTERSON of New Jersey: Petition of 21 citizens of Camden, N. J., against the tax on small arms, ammunition, and firearms, section 900, paragraph 7, internal revenue bill; to the Committee on Ways and Means.

6602. Also, resolution of Builders and Traders' Exchange, Newark, N. J., favoring 1-cent letter postage in cities, towns, and on rural routes; to the Committee on the Post Office and Post Roads.

6603. By Mr. ROUSE: Petition of the Kentucky State organization, American Association of Recognition of Irish Republic, James G. Regan, president, and Mary E. Madden, secretary, protesting against certain statements made by Ambassador Harvey and asking for his recall; to the Committee on Foreign Affairs.

6604. By Mr. STRONG of Pennsylvania: Petition of 37 members of the Junior Order United American Mechanics, Homer City, Pa., favoring the enactment of the Towner-Sterling bills (H. R. 7, S. 1252); to the Committee on Education.

6605. Also, petition of the Indiana County Sheep and Woolgrowers' Association, Indiana County, Pa., favoring enactment of the French-Capper truth in fabric bills (H. R. 64, S. 799); to the Committee on Interstate and Foreign Commerce.

6606. By Mr. YOUNG: Petition of the North Dakota Wheat Growers' Association, urging immediate legislation for the establishing of a Federal structure for agricultural interests; to the Committee on Agriculture.

6607. Also, petition of H. B. Garden & Co. and others, of New Rockford, N. Dak., urging the abolishing of discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6608. Also, petition of C. M. Bjerke and others, of Burleigh County, N. Dak., urging legislation be passed to relieve the farmers of their present desperate condition; to the Committee on Agriculture.

6609. Also, petition of A. B. Herrmann and others, of Rolette, N. Dak., urging legislation to relieve the farmers of their present deplorable condition; to the Committee on Agriculture.

6610. Also, petition of P. B. Peterson and others, of Fordville, N. Dak., urging that a fair price be fixed on all farm products; to the Committee on Agriculture.

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# SENATE.

## FRIDAY, *December 15, 1922.*

*(Legislative day of Thursday, December 14, 1922.)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

PETER G. GERRY, a Senator from the State of Rhode Island, appeared in his seat to-day.

### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gooding | McNary | Spencer |
| Bayard | Hale | Myers | Stanley |
| Cameron | Harreld | Nelson | Sterling |
| Capper | Harris | New | Sutherland |
| Couzens | Harrison | Nicholson | Swanson |
| Culberson | Heflin | Overman | Townsend |
| Cummins | Johnson | Page | Trammell |
| Curtis | Jones, N. Mex. | Pepper | Underwood |
| Dial | Jones, Wash. | Pomerene | Walsh, Mass. |
| Dillingham | Kendrick | Ransdell | Walsh, Mont. |
| Ernst | Keyes | Reed, Pa. | Warren |
| Fernald | Ladd | Robinson | Williams |
| Fletcher | La Follette | Sheppard | |
| George | McKellar | Smith | |
| Gerry | McKinley | Smoot | |

Mr. CURTIS. I was requested to announce that the Senator from Ohio [Mr. WILLIS] is necessarily absent, due to illness in his family.

I was also requested to announce that the Senator from Iowa [Mr. BROOKHART] is detained at a meeting of the Committee on Manufactures.

Mr. LADD. I was requested to announce that the Senator from Nebraska [Mr. NORRIS] is detained on important business in connection with his committee work.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. WARREN. Mr. President, inasmuch as we are in recess, I wish to appeal to the Senator in charge of the unfinished business and ask that it may be laid aside temporarily for the purpose of taking up House bill 13316, making appropriations for the Departments of Commerce and Labor.

Mr. JONES of Washington. I am willing that that may be done, with the distinct understanding, however, that if the appropriation bill shall not be disposed of by 2 o'clock the unfinished business will be called up. But I hope we shall be able to pass the appropriation bill in 15 or 20 minutes.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

### REPORT OF FEDERAL BOARD FOR VOCATIONAL EDUCATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Labor, chairman of the Federal Board for Vocational Education, transmitting, pursuant to law, the sixth annual report of the board, which was referred to the Committee on Education and Labor.

### CONSTRUCTION OF POST-OFFICE BUILDINGS.

Mr. TOWNSEND. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Public Buildings and Grounds a letter which I received on yesterday from the Postmaster General directed to the Joint Commission on Postal Service relative to a matter which the commission is investigating and which I am sure is of great interest to the Members of the Senate. It refers to the necessity of determining whether we are to build by the Government certain absolutely necessary post-office buildings or whether we are to have buildings leased. I ask that the letter be printed simply for the information of the Senate. The question is being considered by the Joint Commission on Postal Service.

There being no objection, the letter was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER GENERAL,
*Washington, D. C. December 11, 1922.*

JOINT COMMISSION ON POSTAL SERVICE,
*Washington, D. C.*

MY DEAR SIRS: On August 21, 1922, I had the honor to send to your commission a communication concerning the ownership by the Government of such new postal buildings as must of necessity be erected from time to time to accommodate the rapidly expanding volume of mail.

Basing my recommendation wholly on principles of business economy, I cited the fact that the department is constantly compelled to secure additional postal buildings by contracting for leases of structures not in existence but to be erected by private capital. Although such leases are negotiated with the greatest care and through the best competition available, they are usually made on an investment basis of from 8 to 15 per cent.

This state of affairs arises from the fact that, generally speaking, Congress, in the past, has followed the policy of appropriating moneys for the leasing of postal buildings, but has not appropriated for the construction and ownership of such buildings as they become necessary.

The Postal Service must be maintained. Mail is received in such volume as the public business requires. It must be housed, transmitted, and delivered in safety. The department can not decline to negotiate leases on new buildings. They must be had, otherwise valuable mail is exposed to the elements and ruined in transmission.

Under the law as it exists to-day, the department is absolutely compelled to execute leases on the best terms it can get, whether they are reasonable or otherwise.

Entertaining the belief that Congress would change this policy as soon as it could come to a complete understanding of all facts, I have refrained from completing contracts for the erection of certain buildings, although their urgency is great.

It is the purpose of this letter to present those cases to your consideration which are just now particularly pressing and which will become exceedingly acute before buildings can be constructed.

It is also the purpose of this letter to explain to you more fully the entire leasing situation, showing how leases now in existence are constantly expiring, presenting almost daily problems as to whether they shall be renewed or not. But, if the policy of owning postal buildings shall be adopted by Congress, the logical method in my opinion would be to take care of the pressing cases as they occur by ownership, just as under the present policy we take care of them by leasing, although I do not wish to presume upon the manner in which Congress may see fit to act in these matters.

The extent to which this leasing policy has gone and the extent to which it will go in the next few years is almost startling. In my former communication I recited that we now have 5,846 post-office buildings under lease, while the Government owns only 1,132. Many of the Government-owned buildings have become outgrown. The aggregate annual rental for leased quarters is about $12,000,000. Unless a building policy is adopted, this will increase by large amounts from year to year.

These leases are expiring almost daily, and whenever one expires it presents a new problem of what shall be done in a given locality. Renewals are made at increases of from two to four times the old rate, although careful study is made in each case and every possible effort made to secure the best terms. The popular objection to changing the location of post offices, particularly in the smaller cities and towns militates strongly against making a good trade for a lease.

The greatest actual and imperative demand for new buildings comes from the larger cities and from rapidly growing cities, where parcel-post stations, substations, and garages must constantly be added. Another class of cities where the building problem is acute are those having a single Government-owned building which is no longer adequate for the needs of the office and where men are obliged to work in insanitary cellars or basements.

The department has for more than a year been investigating this problem of buildings and has been making a careful survey to determine the adequacy of space in postal buildings. Since it requires from one to two years to construct buildings, it is necessary to anticipate to that extent the needs of each case.

While we have reliable information from more than 100 post offices that the space for the postal business is wholly inadequate and the conditions unsuitable, and while these cases are being more carefully studied to determine which are the most pressing, I desire for the moment to present for your information certain cases which have been delayed awaiting your policy, where the demand for the same is extremely acute but where we still think it would be advisable to decline to lease and to begin a program of Government ownership.

NEW YORK CITY.

The proposition in the city of New York has been before your committee for more than a year and concerning which you have had the details. This as you will recall is practically a duplication of the present central post office on Thirty-fourth Street. The requirement is for 800,000 square feet. The site is owned by the Pennsylvania Railroad and is said to be available at $2,000,000. We do not have definite information as to the cost of the proposed structure, but it is generally estimated at around $6,000,000. The average rental for such a building by the lowest bidders is approximately $1,000,000 per year. While these bids contain various options for purchase, there is no legislation by which such purchase could be made effective. The department has approved of plans and specifications but has declined to enter into any contract for a lease of this proposed building until Congress shall have acted in the matter.

DETROIT, MICH.

Another proposition which demands immediate action is that of a parcel-post station at Detroit, Mich., to contain approximately 55,000 square feet of floor space on two or three floors. Negotiations for the construction of such a building through the lease method have been under way for several months and are now ready for decision. A lease can be obtained on the proposed building when erected for $52,000 per year. I am not satisfactorily informed as to the cost of such a building, but believe the entire expense, including the lot, would be from $300,000 to $500,000.

SAN FRANCISCO, CALIF.

In this city 150,000 square feet of floor space in a new building must be provided forthwith. This proposition is under investigation, and while the need is well known, I have not the details with sufficient accuracy to submit them to you herewith, but will do so in a later communication.

DALLAS, TEX.

Here a new building must be provided as soon as possible containing 85,000 square feet of floor space on two or three floors. This case has been under careful investigation and negotiation for several months and the best proposition for a lease now in sight is for a building to be constructed for the department and rented as $84,250 per year. My information is that such a building would cost in the vicinity of $700,000. It would, however, enable us to discontinue two smaller stations which we are leasing at $9,000 each.

BROOKLYN, N. Y.

The department is now considering what would be necessary to do here at the Flatbush Station when the lease expires on April 1 next. The old rental was $5,000 per year, but the premises are inadequate and the proposition to take its place will cost about $20,000 per year.

BUFFALO, N. Y.

At this place a garage must be provided to accommodate the motor-vehicle service. It must contain about 30,000 square feet of floor space. On a rental basis it will cost $30,000 per year for a building which we are informed can be erected for $175,000.

Let me remind you in closing that this list of cases is but the beginning. They are the ones which are at this moment on my desk pressing for decision. If the policy of constructing post-office buildings is to begin it is apparent that we must discontinue to take care of the acute cases by leasing. There may be many other situations in the country as much in need of additional facilities as some of those in this list, and when our investigations have been sufficiently completed we will present them to you, together with the situations as they occur from time to time when leases expire.

Let me also call to your attention the fact that the business of the Post Office Department, doubling every 10 years, can never be placed on an efficient and stabilized basis until the erection of suitable buildings at suitable places is planned not only on an economic basis but from a scientific and service viewpoint.

Very truly yours,

HUBERT WORK,
*Postmaster General.*

PETITION.

Mr. CAPPER presented a resolution adopted by the Federated Shop Crafts, of Parsons, Kans., favoring the election of President and Vice President of the United States by direct vote of the people, abolition of the Electoral College, and shortening of the time elapsing between election and inauguration, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 3364) for the relief of W. O. Whipps, reported it without amendment and submitted a report (No. 948) thereon.

Mr. McNARY, from the Committee on Irrigation and Reclamation, reported a bill (S. 4187) to extend the time for payment of charges due on reclamation projects, and for other purposes, which was read twice by its title.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIAL:

A bill (S. 4172) to authorize the building of a bridge across the Great Pee Dee River in South Carolina; to the Committee on Commerce.

By Mr. GERRY:

A bill (S. 4173) for the relief of Thomas F. Sutton;

A bill (S. 4174) for the relief of Thomas A. Tabele; and

A bill (S. 4175) for the relief of Mary F. Spaight; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 4176) to amend section 370 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. SPENCER:

A bill (S. 4177) for the relief of John A. Clayton; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 4178) to amend paragraph 11 of section 1001 of an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921; to the Committee on Finance.

A bill (S. 4179) for the relief of Charles W. Mugler;

A bill (S. 4180) for the relief of Frank L. Smith; and

A bill (S. 4181) for the relief of the Fred E. Jones Dredging Co.; to the Committee on Claims.

By Mr. CAMERON:

A bill (S. 4182) to provide motor vehicles for prohibition officers and agents; and

A bill (S. 4183) to increase the subsistence and per diem allowances of certain officers and employees of the United States; to the Committee on Appropriations.

By Mr. WALSH of Massachussets:

A bill (S. 4184) to provide free transportation in the mails of bulletins of information to voters; to the Committee on Post Offices and Post Roads.

A bill (S. 4185) amending section 2 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 4186) for the examination and survey of the Intracoastal Canal from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.; to the Committee on Commerce.

By Mr. HARRIS:

A bill (S. 4188) for the relief of Maj. Allen M. Burdett; to the Committee on Claims.

INVESTIGATION OF PRICES OF AGRICULTURAL PRODUCTS.

Mr. McNARY submitted the following resolution (S. Res. 382), which was referred to the Committee on Agriculture and Forestry:

Whereas under existing conditions the prices of agricultural products do not afford a fair and reasonable return upon the capital, labor, and expenses of the farmer, and in many instances do not meet the cost of production;

Whereas the agricultural interests of the country will be confronted with disastrous losses if the present conditions continue and unless a readjustment is brought about between the prices of their products and the prices of other commodities; and

Whereas it is of utmost importance that the essential facts be ascertained as soon as possible in order that the many problems may be adequately analyzed and a sound, economic, and proper solution provided: Therefore be it

*Resolved*, That the Committee on Agriculture and Forestry, by subcommittee or otherwise, is authorized and directed to investigate the conditions determining or influencing the export and domestic prices of agricultural products, in order to ascertain the most practicable methods of adjusting such conditions so that such prices will compare favorably with the prices of other commodities and to report to Congress such recommendations and to suggest such legislation as it may deem advisable.

SEC. 2. That such committee, or any subcommittee thereof, is authorized to sit during the sessions and recesses of the Sixty-seventh Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ such experts as it deems necessary, a clerk, and a stenographer to report any hearings had in connection with any subject which may be before such committee or subcommittee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid out of the contingent fund of the Senate.

SEC. 3. That the committee shall submit a final report, with its recommendations and suggestions, on or before March 1, 1923.

PAY OF EMPLOYEES.

Mr. WARREN. Mr. President, I report back favorably without amendment from the Committee on Appropriations the joint resolution (H. J. Res. 408) authorizing payment of salaries of the officers and employees of Congress for December, 1922, on the 20th day of that month, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc.*, That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the legislative drafting service, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1922, on the 20th day of that month.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. FLETCHER. I ask the Senator from Wyoming to state for the record just what the joint resolution covers?

Mr. WARREN. It simply authorizes the pay of employees of Congress on the 20th day of this month instead of on the 31st, so that they may be prepared for Christmas.

Mr. FLETCHER. I have no objection to its passage.

The joint resolution was passed.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR.

Mr. WARREN. I ask the Senate to proceed now to the consideration of House bill 13316.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES of Washington. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be considered first.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in the appropriations for the Department of Commerce, on page 10, line 9, to strike out "$25,000" and insert "$50,000," so as to make the paragraph read:

For all necessary expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other necessary incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the restrictions and regulations of trade imposed by foreign countries, $50,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 17, to strike out:

Public works: For the completion of one light vessel, $90,000.
For the construction of one light vessel, $150,000.
For enlarging and improving the lighthouse depot at Portsmouth, Va., in the fifth lighthouse district, or establishing a new depot, $154,500.
For repairs and improvements to Stannard Rock Light Station, Mich., $30,000.
For repairs to Barnegat Lighthouse, Barnegat City, N. J., $100,000.
For aids to navigation, Erie, Pa., and vicinity, $38,500.

And in lieu to insert:

Public works: For constructing or purchasing and equipping lighthouse tenders and light vessels for the Lighthouse Service, and for establishing and improving aids to navigation and other works as approved by the Secretary of Commerce, $738,500.

Mr. FLETCHER. Mr. President, I inquire if that amendment is a summary or merely a condensation of the other items which were stricken out?

Mr. JONES of Washington. I will state that that is all one amendment. We have stricken out these various items beginning on line 18, page 29, and inserted a provision covering them all and carrying an appropriation of $738,500, which is the amount of the Budget estimate, although an increase of the appropriation provided for by the House of about $175,000.

Mr. FLETCHER. The effect is, I understand, to give a little larger leeway to the Secretary of Commerce?

Mr. JONES of Washington. That is correct.

Mr. FLETCHER. Without specifying the items that should be attended to, it gives him a chance to expend the fund wherever it is most needed?

Mr. JONES of Washington. That is correct.

Mr. FLETCHER. I think that is a very good plan.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for the Department of Labor, on page 48, line 2, to reduce the appropriation for enforcement of the laws regulating immigration of aliens from $3,300,000 to $3,000,000.

Mr. JONES of Washington. I wish to say that since that amendment was reported I have carefully examined the debate which occurred in the other House with reference to the item. The appropriation is proposed to be reduced by $300,000 by our committee because it exceeds the Budget estimate, but a reading of the debate in the House has convinced me that that amendment should not be adopted; that the bill should carry the full amount granted by the House, which is the sum appropriated for the enforcement of the immigration law for the current year. So I ask that the committee amendment may be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The committee amendments have now been all considered. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. JONES of Washington. I have a committee amendment for the consideration of which I am directed to ask unanimous consent. The amendment is really obnoxious to the rule, and therefore the committee did not insert it. So I ask unanimous consent that the amendment may be considered.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 2, line 9, after the word "superintendent," it is proposed to insert the following—

who shall be chief executive officer of the department and who may be designated by the Secretary of Commerce to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretary of the department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. ROBINSON. Mr. President, I think the Senator in charge of the bill ought to explain the reason the committee asks the Senate at this time to waive its rule which renders this amendment obnoxious.

Mr. JONES of Washington. This is not an amendment of very great importance, although the Secretary of Commerce said that its adoption would save considerable time and considerable delay. As it is now, papers that ought to be signed can not be signed when the officers who are required to sign them are away. This amendment, if adopted, would simply permit one of the officers of the department, to be designated by the Secretary of Commerce, to sign such papers in the absence of the Secretary or of the other person who is authorized to sign them. It does not entail any additional expense or any additional obligation upon the Government, but would be simply a saving of time and a convenience. The committee thought that it was very proper to submit the amendment to the Senate for its consideration.

Mr. ROBINSON. How is the matter handled under present conditions?

Mr. JONES of Washington. Such papers, in the absence of those who are authorized to sign them, are held until those persons return to the city.

Mr. ROBINSON. Who will be designated to sign the name of the Secretary should the amendment be adopted?

Mr. JONES of Washington. The amendment provides that the chief clerk and superintendent shall be the chief executive of the department and may be designated by the Secretary to do these things.

Mr. UNDERWOOD. This amendment is not proposed for the purpose of effecting an increase of salary of any official, is it?

Mr. JONES of Washington. Not at all, nor is it for the creation of a new position.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none, and by unanimous consent the amendment is agreed to.

Mr. JONES of Washington. On behalf of the committee, I submit another amendment to the bill. There was some doubt as to whether it would be in order on the bill, but the committee considered it rather desirable, and I ask unanimous consent to propose it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The READING CLERK. On page 9, after line 24, it is proposed to insert the following:

Information regarding the disposition and handling of raw materials and manufactures: For all necessary expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees (including the expenses of attendance upon conventions and meetings of commercial bodies in the interests of American commerce), and all other necessary incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures, $50,000.

Mr. JONES of Washington. The adoption of this amendment, Mr. President, I will say, will enable the Secretary of Commerce to make further investigations with reference to the distribution of products of the farm and of the factory. It is hoped to get information that will aid in solving the problem of distribution in the country which the committee feels is a most important problem.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and by unanimous consent the amendment is agreed to.

Mr. JONES of Washington. On behalf of the committee I submit two other amendments which really are interrelated.

The PRESIDENT pro tempore. The first amendment offered by the Senator from Washington will be stated.

The READING CLERK. On page 9, after line 24, following the amendment heretofore agreed to, it is proposed to insert the following:

Transporting remains of officers and employees: For defraying the expenses of transporting the remains of officers and employees of the Bureau of Foreign and Domestic Commerce who may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary expenses of such interment at their post or at home, $1,500.

Mr. JONES of Washington. There is a similar provision in the diplomatic and consular appropriation bill affecting the diplomatic and consular representatives of the country, and we felt that it was but just that we should make similar provision with reference to the attachés or representatives of the Department of Commerce who may die abroad.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Washington on behalf of the committee will be stated.

The READING CLERK. Following the amendment just agreed to it is proposed to insert:

Transportation of families and effects of officers and employees: To pay the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of Commerce may prescribe, of families and effects of officers and employees of the Bureau of Foreign and Domestic Commerce in going to and returning from their posts, or when traveling under the order of the Secretary of Commerce, but not including any expenses incurred in connection with leave of absence of the officers and employees of the Bureau of Foreign and Domestic Commerce, $15,000.

Mr. JONES of Washington. Mr. President, a similar provision to that is contained in the diplomatic and consular appropriation bill.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from Washington if there is any provision in this bill requiring the representatives of the Department of Commerce to travel on American ships?

Mr. JONES of Washington. There is not.

Mr. McKELLAR. Ought there not be an amendment added to the bill along the same line as the one which was adopted yesterday in connection with the diplomatic and consular appropriation bill?

Mr. JONES of Washington. I would certainly have no objection to that; and, if the Senator will prepare such an amendment, I shall not oppose it.

Mr. McKELLAR. I will prepare such an amendment and offer it in a moment.

Mr. JONES of Washington. The officials of the department ought to do it without any positive requirement of law, but they have not done it.

Mr. SMOOT. Mr. President, I will say to the Senator that I am informed the officers of the department follow that practice now in every case where there is an American ship available.

Mr. McKELLAR. I read in the hearings the other day, I think, that the United States Government is paying to foreign shipping companies something like $7,500,000 a year for the transportation of its representatives to and from foreign countries. It seems to me, if we want to build up the business of our merchant marine, that some such a provision as that to which I have referred should be attached to all of these bills.

Mr. SMOOT. Of course, there is no objection to such an amendment being added to the bill, but it should not be so broad, of course, that the department could not send a representative to some port to which no American vessel sails.

Mr. McKELLAR. If the Senator will recall the amendment I offered yesterday, he will remember that it provided for a certificate from the Secretary of State in case no American vessel were available, and in this instance, of course, the certificate would have to be issued by the Secretary of Commerce.

Mr. JONES of Washington. I suggest to the Senator that he prepare his amendment immediately, because the Senate is now considering the only amendment which is left which the committee has to propose.

Mr. McKELLAR. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. JONES of Washington. I suggest to the Senator from Tennessee that the Secretary has a copy of the amendment which was offered by him yesterday to the diplomatic and consular appropriation bill, and possibly the Secretary can read it and it will be satisfactory to the Senate.

Mr. McKELLAR. Very well.

The ASSISTANT SECRETARY. On page 448 of the RECORD of the proceedings of yesterday, in the right-hand column, the amendment then offered appears, as follows:

*Provided*, That no part of said sum shall be paid for transportation on foreign vessels without a certificate from the Secretary of State that there are no American vessels on which such officers and clerks may be transported.

Mr. McKELLAR. It should read "Secretary of Commerce and the Secretary of Labor," as this bill applies to both departments.

Mr. JONES of Washington. That may be done.

Mr. McKELLAR. I offer that amendment, substituting the words "the Secretary of Commerce and the Secretary of Labor" for the words "the Secretary of State," the amendment to be inserted at the proper point in the bill.

The PRESIDENT pro tempore. The Chair suggests that the vote whereby the committee amendment was adopted will have to be reconsidered.

Mr. JONES of Washington. The amendment may be inserted following the last amendment.

The PRESIDENT pro tempore. By unanimous consent the vote by which the committee amendment was adopted is reconsidered. The Senator from Tennessee now offers an amendment to the amendment, which, without objection, will be agreed to. The question is now upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. SPENCER. Mr. President, may I inquire whether all of the amendments which the committee has to offer have now been acted upon?

Mr. JONES of Washington. They have all been acted upon.

Mr. SPENCER. I wish to call the attention of the Senate to an amendment which, it seems to me, ought to go to conference, and which I will send to the Secretary's desk and have read in a moment.

Mr. President, there has been built up in the Bureau of Standards during the last two or three years a unit which has to do with the determining factors concerning gasoline and fuel consumption in internal-combustion engines, and all devices in connection therewith. So far as I am able to ascertain, the work of that unit has been of the highest order. It has gathered together a small number of men who are leaders along that line, with the result that in the last year they have determined a method by which internal-combustion engines, by a perfectly feasible change, may be enabled to use a coarser grade of gasoline. If such a change may be brought out on any considerable scale, it will increase by 25 per cent the available supply of gasoline for use by such engines and will promote the general welfare by hundreds of millions of dollars.

Mr. President, I merely wish before sending the amendment to the desk to say that the unit to which I have referred has been in existence for two or three years without any appropriation for its continuance. Its operation has been made possible because the Department of War and the Department of the Navy during the last three years have referred to the

Bureau of Standards to be worked out problems along the line referred to, and have transferred sufficient funds to enable them to study and investigate those specific problems. If it had not been for that, this unit would of necessity have been disintegrated before this time.

The amendment which I propose has been estimated for and was submitted to the House. It came before our committee, but we had little time to consider it. I think, however, every member of the committee thought it was desirable, although perhaps it might be postponed for another year. The difficulty of the situation is that if this unit is not given the basic $40,000 which is proposed to be appropriated by the amendment to insure its continuance, if it shall be dependent merely upon the problems that may perchance come to it in a haphazard manner, it will disintegrate.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. SPENCER. I yield.

Mr. ROBINSON. Has the Senator's amendment been printed?

Mr. SPENCER. It came to us written on the side of the bill, but I am sending it now to the Secretary's desk for reading.

Mr. ROBINSON. Where did it appear in the bill?

Mr. SMOOT. It is not in the bill.

Mr. SPENCER. The Senator would not have it, because he does not have the copy of the bill which came to the Committee on Appropriations. May I say to the Senator that it was on the side of the bill as an item that was new, that had been estimated for, but was not adopted by the House, and was put there merely for information. That is the only place where it has been printed, but the question was taken up in the House hearings on the bill at page 206.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Missouri.

The ASSISTANT SECRETARY. It is proposed to add at the proper place in the bill the following:

For the maintenance and equipping of automotive engine test plants, including vacuum and refrigerating machinery necessary to simulate atmospheric conditions at altitudes up to 40,000 feet; supplies, equipment, and operation of laboratories for testing engines and materials used in their construction and operation, lubricants, carburetors, ignition devices, radiators and cooling systems, chassis and power transmission systems, and other researches incident to the standardization and development of automotive power plants, including personal services in the District of Columbia and in the field, $40,000.

Mr. ROBINSON. Mr. President——

Mr. SPENCER. I yield to the Senator.

Mr. ROBINSON. This appears to be a legislative provision, pure and simple.

Mr. SPENCER. No; let me call the Senator's attention to the fact that it is not a legislative provision, because it is the carrying out of the organic law with relation to the Bureau of Standards, which provides that the Bureau of Standards is authorized to determine the properties of materials and their physical constants. This is directly within the legislative authority which gives them their existence. Of course, as the Senator knows, if the Senate agreed that it had some wisdom in it it would go to conference for the conferees to determine what was best.

Mr. ROBINSON. Mr. President, the amendment is clearly new legislation. The language of the amendment is distinctly different from the language of the organic act creating the Department of Commerce, as just read by the Senator from Missouri. It seems to me that this is a case where the rule ought to be observed. In the consideration of these appropriation bills we have found, during the last two or three days, a disposition on the part of the members of the committee responsible for the management of these bills in the Senate to override the rule that has been adopted by the Senate requiring that the Committee on Appropriations shall not report legislative provisions in its bills. There is not the slightest reason why the committee that has jurisdiction of this legislation should not consider a bill for this purpose, and, if legislation be deemed wise by that committee, report a bill authorizing this appropriation.

I therefore make the point of order that the amendment is obnoxious to the rule against new and general legislation in a general appropriation bill.

Mr. SPENCER. Mr. President, of course, if this is new legislation the point of order is well taken. I should like, however, to call the attention of the Senator from Arkansas—whose knowledge of parliamentary law is par excellence—as well as that of the Chair to the remarks of the director in the House hearing upon this very point. There the question was raised as to whether this item was new legislation or whether it was already provided for in the organic act establishing the Bureau of Standards; and I may read this sentence or two upon that point.

Doctor Stratton said:

The authorization—

That is, for this amendment—

is in our organic act, which covers the determination of the properties of materials. A very large amount of this work has to do with materials. In fact, the greater part of it. The work results in the end in the standardization of the devices used.

Which is the very purpose of the Bureau of Standards, as defined in its organic act.

Doctor Stratton continues:

I do not think that there is any item in our estimates that comes any more clearly under our functions than that one.

A mere reading of the amendment may, I say, indicate clearly that it has to do in the end with the standardization of the use of gasoline and other oil fuel, and therefore is within the very organic act which created the Bureau of Standards, for whose benefit this amendment is proposed.

Mr. ROBINSON. Mr. President, I understood the Senator from Missouri in the first instance to admit that this amendment is new legislation. Was I correct?

Mr. SPENCER. No; the Senator was mistaken, or, if I did admit it, it was a mistake on my part. Certainly I never would have proposed the amendment if I had thought it was new legislation.

Mr. ROBINSON. Mr. President, clearly the amendment proposed by the Senator from Missouri authorizes the Bureau of Standards to do something that it is not now authorized to do; otherwise there would be no necessity for the adoption of the language embraced in the amendment of the Senator from Missouri. All that it would be necessary for his amendment to provide would be the appropriation. If the authorization already exists, why does the Senator from Missouri seek to repeat it in his amendment? But, I repeat, a reading of the authorization contained in the organic act and a reading of the amendment discloses the fact that the amendment is new legislation, that it provides for services to be performed by the Bureau of Standards that are not authorized by existing law, and clearly it is obnoxious to the rule against new and general legislation. I think if we are going to have a rule upon this subject the Committee on Appropriations ought to respect that rule, and I think that the Senate ought not to drift back into its old practice of incorporating in appropriation bills legislative provisions.

Some Senators pointed out when this rule was under consideration that it would not prove workable in this respect. The champions of the rule insisted that it would be observed. The committee, in order to avoid the effect of the rule, gives its tacit consent to an amendment that violates the rule, and then some Member of the Senate offers it, with the declaration that the amendment really is acceptable to the committee, but that the committee has not incorporated it in its report because of the rule.

Let us enforce this rule, except in emergency cases where plainly the public interest requires that it be relaxed, and let these bureaus that are constantly seeking increased appropriations and expanded sphere of activity for the services they render justify their increases before the committees of the Senate and the House that are authorized to pass upon these questions. Let the Committee on Appropriations in the main confine its activities to appropriations. The fact is that in this instance the committee rejected the amendment. I think I ought to say, in all justice to the Appropriations Committee, the committee declined to incorporate it in its report; and as to this particular amendment I do not think there is anything to indicate that the committee has given even its tacit consent that the amendment offered by the Senator from Missouri may be agreed to. The criticism, however, might be held applicable to some other amendments that have been offered this morning. It does not apply to the amendment of the Senator from Missouri. Now, plainly the amendment of the Senator from Missouri is calculated to authorize the Bureau of Standards to do something that it has no authority to do under existing law.

Mr. OVERMAN. And that has been performed by other departments.

Mr. ROBINSON. Yes; as suggested by the Senator from North Carolina, to perform some service that has been heretofore performed by other departments.

This is new legislation. It is obnoxious to the rule. This is a case where the rule ought to be enforced. If we are never going to apply this rule against the incorporation in appropriation bills of authorizations for expenditures, we might just

as well repeal the rule and go back to the old practice that prevailed in the Senate before the adoption of the rule.

Mr. SPENCER. Mr. President, by your courtesy and patience, I should like to say that I agree with the Senator from Arkansas as to the necessity of fully carrying out the existing rule with regard to new legislation, and I want to say that the test as to whether or not this is new legislation might rest right here: Everything that is proposed to be secured by that amendment could be secured if the amendment read—

To carry out the organic purpose of the Bureau of Standards, $40,000.

Mr. ROBINSON. May I suggest to the Senator that if he takes that view of the matter he ought to offer his amendment in that form, so as to obviate any question of violating the rule.

Mr. SPENCER. The only reason why I do not—and I am through, Mr. President—is because of what the Senator from Arkansas knows well enough, and that is that in the House as well as in the Senate, but particularly in the House, there has been for some years the desire that where any item carrying out the organic functions of a bureau required an appropriation, there should be a specification of that phase of its organic purpose for which the appropriation was intended. That is the only reason for making this more specific. The effect would be precisely the same, and it would be equally satisfactory.

Mr. ROBINSON. Mr. President, if the general language quoted from the organic act by the Senator from Missouri can justify this specific use of public moneys, then the rule adopted by the Senate providing against new and general legislation in appropriation bills can have little value.

The PRESIDENT pro tempore. The Chair is of the opinion that the amendment is subject to the point of order, and the point of order is sustained.

Mr. SPENCER. Mr. President, I offer this amendment, in order to make the record clear, if the Secretary will take it down:

For the purpose of further carrying out the organic purpose of the Bureau of Standards, $40,000.

Mr. ROBINSON. Mr. President, I think the amendment should be voted down, because it is plainly an effort to do indirectly what can not be done directly. It is an attempt to evade the very wholesome rule of the Senate which is designed to protect the Treasury against legislation on appropriation bills.

Mr. JONES of Washington. I make the point of order against the amendment as now proposed, in that it is not estimated for. There is no estimate for it in the form submitted.

The PRESIDENT pro tempore. The Chair is of the opinion that both points of order are good, but prefers to base his ruling upon the point of order made by the Senator from Washington, which is sustained. If there be no further amendment proposed to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 13232) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HUSTED, Mr. EVANS, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the conference.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11040) to amend an act entitled "An act authorizing the sale of the marine-hospital reservation in Cleveland, Ohio," approved July 26, 1916, and it was thereupon signed by the President pro tempore.

### APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 13232.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13232) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments disagreed to by the House, agree to the conference asked for by the House, and that the conferees on the part of the Senate may be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. CURTIS, Mr. WARREN, Mr. LODGE, Mr. OVERMAN, and Mr. HITCHCOCK conferees on the part of the Senate.

### PURCHASE AND SALE OF FARM PRODUCTS.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4050) to provide for the purchase and sale of farm products, reported it with amendments and submitted a report (No. 949) thereon.

### THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I ask the Chair to lay before the Senate the unfinished business and that it be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. As the Senator from Wisconsin [Mr. LA FOLLETTE] desires to take the floor to discuss the measure, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lenroot | Robinson |
| Bayard | George | Lodge | Sheppard |
| Brandegee | Glass | McCumber | Smoot |
| Brookhart | Gooding | McKellar | Spencer |
| Cameron | Hale | McKinley | Stanley |
| Capper | Harreld | McLean | Sterling |
| Caraway | Harris | McNary | Sutherland |
| Colt | Heflin | Nelson | Swanson |
| Couzens | Hitchcock | New | Townsend |
| Culberson | Jones, N. Mex. | Nicholson | Trammell |
| Cummins | Jones, Wash. | Norbeck | Wadsworth |
| Curtis | Kendrick | Norris | Walsh, Mass. |
| Dial | Keyes | Overman | Warren |
| Dillingham | King | Page | |
| Ernst | Ladd | Pepper | |
| Fernald | La Follette | Reed, Pa. | |

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, there is a quorum present.

Mr. LA FOLLETTE. Mr. President, at the very beginning of this discussion I lay it down as a cardinal principle of our system of representative government that we are bound, so nearly as we may, upon all issues to register the will, and to embody into law, the clearly expressed judgment of the people of this country.

Where the people have indicated beyond dispute that they favor a certain public policy, I believe it to be the duty of the Members of this body to embody that policy into law. Where the people have expressed their opposition to any well-defined public policy, I believe it to be our duty to oppose and to reject that policy.

I do not believe any Senator here will dispute that that principle lies at the foundation of our system of government, for from the beginning of our history it has been recognized that above Presidents and Members of Congress the people of this Nation are sovereign and that the will of the people shall be the law of the land.

I propose to demonstrate here to-day, preliminary to a discussion of its terms, that the pending ship subsidy bill is contrary to the expressed will of the American people and that the action of the President and the other sponsors in attempting to force its passage at this time is an open challenge to the people and a violation of the trust reposed by the people in their delegated representatives.

In my view, it is not only unwise and impolitic but it is indefensible to propose the enactment of this legislation at this time, and I propose to state as briefly as I may why I hold that opinion.

This bill is brought in at the instigation of the Executive immediately following an election in which the American people have expressed their disapproval of the policies of the administration now in power.

The administration majority of 169 in the House of Representatives has been reduced to less than 20, and the majority in the Senate has been reduced from 24 to 10. No one will question the assertion that in the new Congress elected by the people on November 7 Members of the Senate and House of both parties who are opposed to the more important policies of this administration will be in a majority in both Houses.

Under these circumstances the Executive has brought forward the pending bill and an effort is now being made to obtain its passage by a Congress the administration majority in which has been repudiated by the American people.

This bill has already passed the lower House by a majority of 24 votes. I count it a significant circumstance that at least 70 of the votes cast for this bill in the House were cast by Members who were defeated in the primaries and the elections. No one will deny that without the support of these defeated Representatives of the people this measure would have met the same fate that has been met by every previous subsidy bill. Moreover, no one will deny that were this bill offered to the new Congress elected in November it would be defeated by a substantial majority.

What warrant can be found for bringing up this bill at this time? It involves an expenditure of hundreds of millions of public money and the delegation of broad and unprecedented powers to a small body of men, at least a majority of whom have forfeited the confidence of right-thinking, conservative-minded people. Where is the authority upon which the Congress can rely in enacting this bill into law in the name of the American people?

I venture to say that never in the history of this country in time of peace has a measure of the far-reaching importance and revolutionary character of this ship subsidy bill been presented to any Congress by any Executive when not a line could be found in the platforms of any political party indorsing the policy embodied in it.

I am familiar with the oft-repeated and wholly untrue and false assertion of those who have conducted such a vigorous propaganda in behalf of this bill that a pledge to the shipping interests to pay them large sums of money from the Treasury in the form of cash subsidies was embodied in the Republican platform of 1920. That argument is sufficiently answered and its complete falsity is demonstrated merely by reading all that the Republican platform of 1920 had to say on the subject of a merchant marine and by stating that the legislation referred to therein and specifically indorsed was the merchant marine act of 1920, known as the Jones Act, which entirely rejected and excluded all plans for a subsidy payment which might then have been proposed.

This is the extract from the Republican platform of 1920 on the subject:

MERCHANT MARINE.

The national defense and our foreign commerce require a merchant marine of the best type of modern ships flying the American flag, manned by American seamen, owned by private capital, and operated by private energy.

We indorse the sound legislation recently enacted by the Republican Congress that will insure the promotion and maintenance of the American merchant marine.

We recommend that all ships engaged in coastwise trade and all vessels of the American merchant marine shall pass through the Panama Canal without payment of tolls.

I need hardly to add that every platform of the Democratic Party which has dealt with the subject of a merchant marine or shipping in the past 50 years has specifically expressed the unalterable opposition of that party to the payment of ship subsidies to private interests. Let me add that every Democratic candidate in the elections held since 1920, who did not specifically repudiate that declaration in his party platforms, must have been presumed to have indorsed it, and now stands pledged to carry that traditional policy of his party into effect.

Nor is that all. In the recent election the ship subsidy was a direct issue discussed frankly before the electorate in the campaign in a number of States. It was an important issue in the campaigns in Iowa, in Minnesota, in North Dakota, in Wisconsin, and in perhaps a score of other States in which individual candidates for the House and Senate bound themselves by specific pledges to oppose the pending bill.

I have examined these platforms and personal pledges with care, and on the basis of that investigation I am prepared to make the statement that wherever the ship subsidy was an issue in almost every instance the policy involved in the present bill was overwhelmingly repudiated by the American people. Wherever a candidate for public office declared against this ship subsidy bill, in a district normally of his own political party, he was elected, and in many districts normally Republican, Republican candidates who failed to pledge themselves to oppose this bill were defeated by Democratic candidates who pledged themselves to vote against it.

Mr. President, I confidently assert that three-fourths of the people of this country through resolutions adopted by nonpolitical and nonpartisan organizations which fairly represent them have gone definitely on record as unalterably opposed to a ship subsidy, and more particularly to the terms of the pending bill.

The census reports of the Government will show that approximately three-fourths of our population are either directly engaged in or are dependent upon bread winners engaged in agriculture or wage earners in industry.

I assert that these elements of our population, the farmers and the wage earners, are practically unanimous in their opposition to this bill, and I have in my possession the formal resolutions adopted by the great organizations which represent these citizens to prove that statement.

I propose to take up in order the various declarations which have been made upon the question of the subsidy by the farm organizations and the labor organizations which have given an expression on the subject.

An examination of these resolutions will convince any fair-minded person that the farmers of the country are unanimous in their opposition to this bill.

I have no hesitation in saying that in my experience in public life an issue has never been presented before the people of the country which has encountered among American farmers the unyielding opposition and hostility which the pending measure has brought down upon itself and upon those who sponsor it.

I shall take the time of the Senate to read only two of those resolutions, but I request that all of the declarations of representative organizations of farmers and labor which I have been able to assemble and have before me may be printed as an appendix to my remarks in the regular RECORD type.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to inquire whether he has included in the data which he has asked to have printed a statement from the American Federation of Labor information and publicity service, Washington, D. C., of December 8, 1922? That gives the position of the Federation and goes into some detail.

Mr. LA FOLLETTE. I have that document before me, and shall include it in the appendix to my remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

(See Appendix.)

Mr. LA FOLLETTE. Mr. President, the National Grange is the oldest farm organization in the United States. It is, I believe, taking its entire membership, probably the most conservative of all the farming organizations in the country. It is my understanding that the National Grange is strongest in its membership in the Eastern States. It originated in the Middle West, in the upper Mississippi Valley, in the early seventies. It has a most interesting history. At its national session in November, 1922, it adopted the following resolution:

*Resolved*, That the National Grange, in the fifty-sixth annual session, assembled at Wichita, Kans., November 24, 1922, and representing nearly 1,000,000 organized farmers of America, hereby declare its unalterable opposition to all ship subsidy legislation and to every form of direct subsidies to private enterprises; and

It hereby pledges the full strength of the organization toward the defeat of whatever form of ship subsidy legislation has been or hereafter may be introduced in Congress.

If upon investigation it is found that the American merchant marine is handicapped in its operation by present conditions and laws, then the grange favors a revision of the navigation laws rather than Government aid through a ship subsidy.

C. M. FREEMAN, *Secretary*.

I hope at some subsequent time during the consideration of the bill to have something to say about those navigation laws.

I also read the resolution adopted by the American Federation of Labor at their annual convention at Cincinnati in June, 1922, as follows:

Whereas the bill known as S. 3217—

That is not the number of the pending bill, but it was the number of the bill introduced last February by the Senator from Washington [Mr. JONES], who, as chairman of the Committee on Commerce, reported the pending bill. It contained many of the subsidy provisions of the pending bill. The declarations in the resolution which I am about to read apply quite as well to the pending bill as to the bill which is numbered in the resolution and which was the only bill on that subject then pending. A later resolution by the council of the American Federation of Labor is so sweeping in its denunciation of all subsidy legislation of this character as applied to the merchant marine that I shall incorporate that resolution, rather than the one which I am about to read now, in the appendix which I have permission of the Senate to publish to the remarks I am now making. I read the resolution adopted at Cincinnati:

Whereas the bill known as S. 3217, now pending in Congress, and which is purported to be "a bill to amend and supplement the merchant marine act of 1920, and for other purposes," is in reality a cunningly devised scheme to enrich certain classes of so-called American shipowners at the expense of the truly American taxpayer and

also to provide patronage which is certain to be used for purely political purposes; and

Whereas said bill, commonly known as the "ship subsidy bill," is being widely misrepresented as a measure intended for and necessary to the maintenance and upbuilding of an American merchant marine; and

Whereas the facts are that its enactment into law will bring about a condition under which all managers and operators of ships must regard politics as the prime factor in their business and efficient management as a secondary consideration of compartively little importance; and

Whereas the claim that ship subsidies are necessary to equalize the cost of operation between foreign and American vessels is deceptive and can not be substantiated except in cases where such inequality exists because the American Government has failed and is failing to properly enforce the existing American laws intended to promote equalization, this being especially true of the law known as the La Follette Seamen's Act: Therefore be it

*Resolved by the American Federation of Labor in regular convention assembled,* That the said ship subsidy bill be condemned as inimical to the public interest, and particularly destructive to the Nation's hopes and aspirations for sea power; and be it further

*Resolved,* That copies of this resolution be sent to the President of the United States, members of the Cabinet, and to the Members of Congress.

I am going to run over at this point a brief list of a few of the great farm organizations which have condemned the pending bill in formal resolutions, and I ask that these resolutions be incorporated in the RECORD as an appendix to my remarks. Let me add that this is only a partial list, for State and local organizations by the scores, representing constituent organizations and gatherings of large numbers of farmers, have voiced their opposition to this bill:

The Farmers' Union.
The Society of Equity.
The National Grange.
The National Board of Farm Organizations.
The Farmers' National Council.

To this list must be added the American Farm Bureau Federation, which, despite the action of J. R. Howard, the gentleman temporarily holding the position of president of this organization, in indorsing the House bill, has formally gone on record as opposed to the principle of a ship subsidy in any form.

The labor organizations which have gone on record, in one form or another, in opposition to the pending bill, either by formal resolution or by authorized statements of their officials, include the following:

The American Federation of Labor (representing nearly all crafts except those employed in transportation).
The railroad brotherhoods.
International Seamen's Union of America.
Washington State Federation of Labor.
Water Front Workers' Federation.
Cigar Makers' International Union.
Glass Bottle Blowers' Association of the United States and Canada.
Brotherhood of Railway Carmen of America.
International Brotherhood of Teamsters and Chauffeurs.
Arkansas State Federation of Labor.
International Brotherhood of Electrical Workers.
Minnesota State Federation of Labor.
International Association of Oil Field, Gas Well, and Refinery Workers of America.
Commercial Telegraphers' Union of America.
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employees.
Order of Sleeping Car Conductors.
Maine State Federation of Labor.
International Brotherhood of Blacksmiths, Drop Forgers, and Helpers.
United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers.
Brotherhood of Railroad Signalmen of America.
The New York State Federation of Labor.
Utah State Federation of Labor.
Rhode Island State Federation of Labor.
Missouri State Federation of Labor.
Montana State Federation of Labor.
Amalgamated Lithographers of America.
Nebraska State Federation of Labor.

Now, I anticipate it will be said that, after all, it is a matter of small importance that the men and women who work with their hands have gone on record in opposition to this bill.

The author of the ship subsidy bill did not take that view, and in speaking of the author of the ship subsidy bill I refer to the chairman of the Shipping Board. In a manner which I shall not now take occasion to characterize, Chairman Lasker sought to win the support of the working people of this country for the bill which is now pending in the Senate.

I content myself with the statement that Chairman Lasker of the Shipping Board sought a conference with Samuel Gompers, president of the American Federation of Labor, and made a highly improper proposal to a group of labor officials that they disregard the will and the interests of their membership and support the pending bill.

This conference took place on April 6 and 7 in the headquarters of the American Federation of Labor in the city of Washington. Chairman Lasker then and there, I am informed, offered to withdraw certain provisions in the pending bill dealing with labor if he could thereby induce the labor organizations to abate their opposition to the bill.

Let it be said to the everlasting credit of the representatives of the workingmen of this country that they spurned and rejected this barefaced proposal that they barter the public interest for what was held up to them as a special provision which would be inserted in the bill in the interest of labor. They sent Chairman Lasker back to the Shipping Board with a refusal of his suggestions. He found that he could not buy American labor, and to-day he faces the unbroken and unyielding opposition of the wage earners of the United States.

Now, Mr. President, I believe I have demonstrated to the satisfaction of any fair-minded person that the pending bill is opposed by the great mass of the American people. Its passage at this time would be a gross violation of the very spirit and letter of the principles of representative government.

I am confronted with a choice that confronts every other Member of this body, as to what course I shall pursue as a representative of the people in the situation which the Executive has forced in this Chamber.

Let me say at this time that, carrying out the pledge I gave to the people who elected me and expressing so far as I may the plain mandate of the people of the Nation, I shall continue as a Member of the Senate to register my opposition to this bill so long as it is before the Senate. I do not know of any higher public service that I can perform during the present session than to do what it lies in my power to do to defeat this legislation, and to the limit of my ability I am prepared to work with other opponents of the bill toward that end.

I can not be unmindful, Mr. President, that an effort will be made to place upon the opponents of this bill responsibility for delay in the enactment of farm-credit legislation for the relief of farmers who have been brought to a condition of grave distress by the policies of this administration.

Let me say at the outset that no such subterfuge will succeed. The public knows that, representing the will of the administration, you have framed the program of legislation for this session of Congress. The public knows that the President and his advisers have decided to give the farmers of this country not one additional penny of credit until you have first voted hundreds of millions of public money into the coffers of the private shipping interests of the country, unless it may be that there are enough Members of the Senate to force the substitution of a measure looking to the relief, the immediate relief, of distressed agriculture. I shall at the proper time be ready to submit or to support a motion which will insure immediate relief to the American farmer.

Let me say in passing that I do not favor merely passing a bill which on its face purports to relieve the farmers, but which in reality will serve only to increase their indebtedness and will leave them in their present helpless and intolerable situation, unable to market their products and unable to meet the obligations they already owe.

I propose to support legislation, such as the Norris bill or some like measure, which will enable the farmer to market his products at a reasonable and fair profit in addition to making money available for direct loans to farmers without the intervention of the bankers, who have thus far handled all moneys loaned to the farmers at high rates of interest.

### THE PRESIDENT'S ARGUMENT CHALLENGED.

Mr. President, I challenge the correctness of the proposition which underlies the whole argument in support of the immediate passage of this bill. That proposition is that the drain upon the Public Treasury incident to the maintenance of our Government-owned merchant marine is so great that its longer continuance is a serious menace to the country, and that this bill, if it becomes a law, will immediately relieve the public from this burden in whole or in part.

In his message on this subject, addressed to the joint session of the Congress on November 21 last, the President said:

Our immediate problem is not to build and support a merchant shipping * * *. Our problem is to relieve the Public Treasury of the drain it is already meeting.

In the same message he said:

I am very sure the need for decisive action—decisive favorable action—never was so urgent before.

Again, he said:

When the question is asked, Why the insistence for the merchant marine act now? the answer is apparent. * * * We have the unavoidable task of wiping out a $50,000,000 annual loss in operation and losses aggregating many hundreds of millions in worn-out, sacrificed, or scrapped shipping. * * * This problem can not longer be ignored; its attempted solution can not longer be postponed. The failure of Congress to act decisively will be no less disastrous than adverse action.

Any question concerning replacement of worn-out ships can only arise in the future.

The immediate problem, the President tells us, is to relieve the Treasury of the drain of $50,000,000 a year. To what extent does the President claim that this bill will relieve this drain upon the Treasury? I quote again from the same message:

When your executive government knows of public expenditures aggregating fifty millions annually which it believes could be reduced by half through a change of policy, your government would be unworthy of public trust if such a change were not commended, nay, if it were not insistently urged.

So that the most the President claims that this bill will reduce public expenditures for the maintenance of a merchant marine is $25,000,000 annually, with this difference, that when, as the President says, $50,000,000 annually is spent now of the people's money to maintain a merchant marine it is spent to maintain the people's own ships, but when the millions are spent under the plan the President proposes it is to maintain the ships as the property of private owners, to whom the Government will have practically given them, according to the scheme proposed in this bill.

So it would seem that even according to the President's contentions the great and overpowering necessity for the immediate passage of this bill is no more than to save the public $25,000,000 a year. But even this claim of the President is without any support in the facts. Neither $50,000,000 a year nor any other sum is being lost through Government operation of our ships.

The only ships operated by the Government are those of the United States Line and the Panama Line, and the ships of both these lines have been making money at the very time when the President claims our ships had been operated at a loss.

Of the manner in which our ships have been operated and their alleged losses I shall speak later.

This program of Mr. Lasker and the President so far from saving the public anything will, if adopted, tax the people much more to maintain the ships in the hands of the private parties to whom they will have been practically given than even the advocates of this bill claim they are costing now. But I am not now discussing that question.

ABSURDITY OF CLAIMS MADE FOR THIS BILL.

I am merely pointing out the absurdity of the contention that there is anything in the present situation which requires the immediate passage of this or any other measure which has for its object the transfer of these ships at the present time from the Government to private owners on any terms which the Government can make at this time. Why, sir, the few million dollars, which is the most the President promises to save the public revenue annually under this measure, is only a small fraction of what he will ask for and receive annually for the maintenance of the Navy. Hundreds of millions will be spent to maintain a naval program for war purposes, most of which is unnecessary for any purpose of defense, but $25,000,000 spent to maintain a great merchant fleet in peaceful commerce is something that this administration will not tolerate.

The President's message, however, furnishes the best answer to the contention that there must be a sudden transfer of the title to these ships from the people, whose money paid for them, to private individuals who are to receive them practically as a gift with a bonus for their operation. I quote once more from the President's message.

The net loss to the United States Treasury—sums actually taken therefrom in this Government operation—averaged approximately $16,000,000 per month during the year prior to the assumption of responsibility by the present administration. * * * It is very gratifying to report the diminution of the losses to $4,000,000 per month, or a total of $50,000,000 a year.

Mark you, he says—

in this Government operation.

Why, sir, if the President's figures are correct, within less than two years and under the most unfavorable circumstances imaginable a deficit of $16,000,000 a month has been reduced to only $4,000,000 a month, and that reduction has been made at a time when not only the shipping business of this country but of the world was depressed as never before in history. Mr. Lasker, chairman of the Shipping Board, in his testimony before the House committee described the world trade at the present time as at the lowest ebb. In the document prepared and distributed under the direction of the Shipping Board in behalf of this bill, and made a part of the record of the joint Senate and House committee hearings thereon, it is said:

One of the most difficult problems confronting the Shipping Board is the sale and transfer of Government-owned ships to private owners. The task has been made especially difficult by the present world-wide depression in industry and by the large overproduction of ships. These two important factors have delayed the sale of Government-owned tonnage to such a degree that only a few ships have been sold in the 18 months that have elapsed since the passage of the Jones law. * * *

The present depression in shipping will doubtless continue for several years. Ships can not, therefore, be sold except at very low prices, as is evidenced by the low prices at which privately owned British tonnage and a few Shipping Board ships have been sold in recent months. * * *

The condition of world shipping is well described in the minority report of the Committee on the Merchant Marine and Fisheries of the House accompanying the bill. From the report I quote this paragraph:

There is a large amount of idle tonnage all over the world. France pays the most liberal subsidies of any nation, and yet on March 1 one-third of her tonnage was laid up. Sixty-five per cent of Italian, 50 per cent of Belgian, 40 per cent of Danish, 40 per cent of Swedish, 38 per cent of Spanish, and 25 per cent of Greek merchant tonnage are laid up. A large amount of Japanese tonnage is idle, but the exact figures are not available. Great Britain, which pays no subsidies and whose seamen receive the largest wages of any country except the United States, has the smallest percentage of idle tonnage—I believe about 22 per cent—except that there is probably a smaller percentage of idle German tonnage, although their entire fleet is very small. Italy, which pays the lowest wages of any country except the oriental countries, has the largest percentage of idle tonnage, although she pays ship subsidies.

That accurately describes the present condition of world shipping—a condition which no subsidy could avert or mitigate—and subsidy has nothing to do with it. That condition is the logical outcome of the late war, which, on the one hand, greatly increased the number of ships, while, on the other, it well-nigh destroyed the producing power of the belligerent nations and the products which they transport. The United States alone raised its tonnage engaged in foreign commerce from something over a million dead-weight tons to 16,000,000 tons.

The United States Shipping Board in its report for the year 1922, made public within the last few days, on page 111 gives a table which graphically illustrates the increase in our merchant marine tonnage, and in that portion of it employed in foreign transportation. I ask leave to insert at this point the table which I hold in my hand.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

*Total United States merchant marine and tonnage employed in foreign trade.*

| Fiscal year. | Total merchant marine. | Tonnage in foreign trade. |
|---|---|---|
| | *Dead-weight tons.* | *Dead-weight tons.* |
| 1800 | 1,458,738 | 1,000,661 |
| 1810 | 2,137,175 | 1,471,529 |
| 1820 | 1,920,251 | 874,486 |
| 1830 | 1,787,664 | 806,345 |
| 1840 | 3,271,146 | 1,144,257 |
| 1850 | 5,303,181 | 2,159,541 |
| 1860 | 8,030,802 | 3,569,094 |
| 1870 | 7 369,761 | 2,173,269 |
| 1880 | 6, 02,051 | 1,971,603 |
| 1890 | 6,638,746 | 1,392,093 |
| 1900 | 7,747,258 | 1,225,193 |
| 1910 | 11,262,123 | 1,173,776 |
| 1917 | 13,306,556 | 3,661,164 |
| 1920 | 25,027,342 | 15,692,631 |
| 1921 | 27,538,464 | 16,819,943 |
| 1922 | 27,784,989 | 16,279,371 |

Mr. LA FOLLETTE. This is a very interesting table, let me say in this connection, and one which Senators will find fruitful of much reflection and many deductions not only upon the issues raised in this bill but upon other economic issues which are now foremost in the public mind.

The marked drop in the tonnage of the American merchant marine employed in foreign transportation covering certain cycles, certain extended periods of consecutive years, coincident with legislation affecting the industrial interests of the country, will prove suggestive to Senators in the debate upon this bill and other measures likely to follow it.

The 1917 foreign-trade tonnage of 3,661,164 tons shows the commencement of the great increase due to the war. Perhaps I ought to say that the reported tonnage for 1910 employed in foreign trade was 1,173,776 tons.

Mr. POMERENE. At what time was that?

Mr. LA FOLLETTE. This is given by 10-year periods. I believe I will just read the figures of our tonnage employed in foreign trade, as published in this late report, just issued a few days ago by the Shipping Board:

| | Dead-weight tons. |
|---|---|
| 1800 | 1,000,661 |
| 1810 | 1,471,529 |
| 1820 | 874,486 |

A drop of nearly one-half.

| | Dead-weight tons. |
|---|---|
| 1830 | 806,345 |

A decrease.

| | |
|---|---|
| 1840 | 1,144,257 |
| 1850 | 2,159,541 |
| 1860 | 3,569,094 |

Between 1850 and 1860 the Crimean War occurred.

In 1870 it dropped again, to 2,173,269 tons.

By 1880 it had dropped still lower, to 1,971,603 tons.

| | Dead-weight tons. |
|---|---|
| 1890 | 1,392,093 |
| 1900 | 1,225,193 |
| 1910 | 1,173,776 |

That is the report for 1910. The next year reported is 1917. Then the effect of the European war had expressed itself in the tonnage of American vessels used in foreign trade, and the tonnage ran up to 3,661,164 tons. By 1920 we had 15,692,631 tons employed in foreign trade. By 1921 we had 16,819,943 tons employed in foreign trade. In 1922 there was a slight drop, but for this present year it stands at 16,279,371 tons.

To recapitulate, the 1917 foreign-trade tonnage of 3,661,164 tons shows the commencement of the great increase due to the war. It will be observed that from a little more than three and a half million tons in 1917 we rapidly increased to more than fifteen and a half million tons in 1920, and to more than sixteen and three-quarter million tons in 1921, and that our tonnage engaged in foreign trade stands at over sixteen and a quarter million tons in the present year, 1922, as reported in this document just issued by the Shipping Board.

After the war the surplus of ships remained, but there was an enormous shrinkage in products for overseas trade. It will take several years to recover from this condition under the most favorable circumstances. During this period ships will remain a drug upon the market. Their price is probably right now at the lowest point, unless we were seeking solely to consult the interests of the purchaser, and not Uncle Sam, the seller. There never could be a worse time selected for marketing our ships than the present. The man would be counted a fool who in private business, unless on the verge of bankruptcy, selected the time of greatest depression to dispose of his property, knowing that it would not bring more than 5 cents on the dollar of what it cost, and only a small fraction of its real value. But that is precisely what this bill proposes we shall do with the great merchant marine now belonging to the people of this country and in the disposition of which we are merely trustees.

The Shipping Board has authority to sell the ships under existing law. It has not done so because there was no market for them. There is no market for them because there is little or no employment for them. A subsidy will not increase the business. A subsidy will not create cargoes. There is no certainty, indeed there is no evidence tending to show, that the proposed subsidy would make a market for the ships or increase the price for which they can be sold. The most optimistic claim that I have seen put forward by Mr. Lasker and other advocates of this measure is that the ships might be sold for $200,000,000. This is something like 5 or 6 per cent of what the ships cost the American people. It is a small part even of the pre-war value of such ships or their cost of construction under normal conditions.

Everyone knows that if European conditions become more nearly normal and as the commerce of the world is reestablished the market value of these ships will greatly increase. If, on the other hand, Europe is plunged into another war, judged by the increased volume of traffic during the last war, that fact will greatly enhance the value of the ships; so that, viewed from any possible angle, the plan to dispose of the ships immediately means a tremendous loss to the people of this country, no matter whether the world is entering upon a period of peace-time development or of further wars.

All this agitation and propaganda to try to prove to the people that a great crisis exists which makes it necessary to sacrifice their property at a few cents on the dollar is fictitious, if not fraudulent.

The attempt to foist a ship-subsidy plan upon the people is no new scheme. It has been tried by far more powerful and able financiers and politicians than those supporting the present administration. The scheme has always failed, as it will fail now, because the people are opposed to it.

But whatever difference of opinion may honestly exist as to the wisdom or unwisdom of a ship subsidy, I can see no room for any difference of opinion on the proposition that this is not the time to commit the country to a permanent policy respecting our Government-owned merchant fleet, nor is it the time to try to make a market for that fleet. The price of ships can not go lower; that price must inevitably advance. A worse time could not be selected for the Government to sell these ships or a better time for the favored purchasers, in which to attempt to dispose of our merchant fleet or to decide the question whether it shall be subsidized or not. Just in proportion as we approach more normal shipping conditions we will be able to decide more intelligently what action to take and secure a better price for our ships if we decide to sell them at that time.

EXPERIENCE SHOWS OUR SHIPS CAN BE OPERATED SUCCESSFULLY.

The President tells us that in a few months the expense of maintaining the fleet has been reduced from $16,000,000 a month to $4,000,000 a month. This reduction has been made with less than a third of the Government fleet in operation and at a time when shipping the world over is at the lowest point. But this is not all. This result has been accomplished under the direction of a Shipping Board, not one member of which claims to be experienced in ship operation. The chairman of the Shipping Board was selected, as it now appears, not because he knew anything about shipping but because he was a clever advertising man. He was put in his present position at the head of the greatest merchant fleet in the world, not to operate ships but, as he is reported to have declared, as I think he himself has testified, to "sell" ship subsidy to the American people, and one can see some logical reason for his selection for that purpose. For months an intensive propaganda has been carried on to so blind the American people to the real facts as to lead them to acquiesce in being plundered and robbed, as they will be, according to the terms of this bill.

Very frankly Chairman Lasker admits that the Shipping Board, of which he is the head, has not tried to build up the shipping business of the country during his administration. Chairman Lasker, at the joint hearings of the Senate Committee on Commerce and the House Committee on the Merchant Marine and Fisheries on this bill, testified upon this point as follows:

> The Shipping Board is not trying to establish trade. * * * We are only taking such trade as is offered, and you can not build up an American trade that way. We get only the plusage of the trade, as is proved by the fact that now we have tied up much more than Great Britain has.

Why, Mr. President, it has been pointed out on this floor again and again in the last year or year and a half that the policy of the Shipping Board was one of hostility to making the operation of the Government-owned ships a success. It is akin, sir, to the policies which have been employed widely wherever there was an opportunity, because of exceptional conditions, to discourage the Government operation of anything, and to reserve that field entirely for private profits and exploitation of the American people. A new day will come, sir. I believe that it is not far distant. I trust it will not come before we are ready for it and ready to deal with it on sound economic principles.

Why, sir, I pause briefly to say that it is a fact, sustained by the record, that the men who have been put in the responsible positions under the present Shipping Board, operating, handling, and directing the operation of the Government-owned ships, were drawn from private shipping corporations more British than American, and every man of whom, influenced by his years of service in those corporations, had interests not only inimical but hostile to the successful operation of any fleet owned by our Government. I go further than that and say that their connections, as I demonstrated on the floor more than a year ago, were such as to make them more friendly to other interests, if they, as most men under like circumstances are certain to be, were influenced by their long and previous connection with interests which were not American and not in sympathy with the development of an American merchant marine. But more of that later in this debate.

I remind the Senate again of the quotation just made from Mr. Lasker's testimony, in which he said that the Shipping Board "was not trying to establish trade," and yet the point that is driven in here by the President's message, by arguments which have been presented by supporters of the bill, by all the propaganda that has flooded the country, is that the terrible expense, the outlay for handling these Government-owned ships, is so great that it is the duty of Congress immediately to rescue the Government from the expenditure. If the Government-owned ships all could be employed in the business of transporting, limited as the products for transportation have been and still are, and had been honestly and sanely employed to make money for the Government, no such balance as a $50,000,000 expense would have been rendered or could have been used as an argument to push this legislation through. The Government-owned ships that have been run, not as the Shipping Board has run them, but which have been run to establish trade and to make them profitable—the Pan-

ama Canal Co. and the United States Lines, operated by Mr. Rossbottom—made money. During the very lowest ebb of shipping there were some months in which they did not make money, but taking the whole period, which shows loss year by year on the part of the Government under the management of the Shipping Board, and contrasting it with the Panama Co. and later with the United States Lines under the management of Mr. Rossbottom, the manager of the United States Panama Line, it will be found they have been operating at a profit with the exception, I think, of one single year. Had they been permitted to lay by a surplus to draw upon for that year a still better showing would have been made.

I return now and again remind Senators of the quotation from Mr. Lasker's testimony and take up the argument at that point. I wish to reread the quotation from his testimony just to get the connection:

> The Shipping Board is not trying to establish trade. * * * We are only taking such trade as is offered, and you can not build up an American trade that way. We get only the plusage of the trade, as is proved by the fact that now we have tied up much more than Great Britain has.

That is the policy upon which it is admitted that our ships have been operated since the close of the war. They have made no effort to get business. Wherever they have come into competition with privately owned American ships the Government-owned ships have been taken off. In the language of Chairman Lasker, they have only been taking such trade as was offered. That has been the deliberate policy of the administration.

And yet, in the face of all that and in spite of the fact that every man, from Chairman Lasker through all his organization of $35,000 a year assistants who have been operating these ships, has tried to make Government operation a failure—yet the deficit from their operation has been reduced from $16,000,000 a month to $4,000,000 a month.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I yield.

Mr. POMERENE. May I ask the Senator who testified to the fact that when the United States Shipping Board vessels came in competition with privately owned ships the Government owned ships were taken off?

Mr. LA FOLLETTE. That is the testimony of Mr. Lasker and, I think, of other witnesses. I have not noted the pages of the testimony, so I am unable to refer the Senator to them.

Mr. POMERENE. What reason was assigned for that action?

Mr. LA FOLLETTE. I do not at this moment recall that any reason was assigned for it, but just simply the fact stated.

Mr. CARAWAY. As I understand the Senator from Wisconsin, that was the statement of Chairman Lasker?

Mr. LA FOLLETTE. The statement which I read was the statement of Chairman Lasker, and I distinctly recollect, though I have not quoted the testimony upon that nor made reference to it, that in reading the mass of testimony taken by the committee it was admitted that wherever the Government-operated ships came in competition with private-owned lines, the Government-operated ships have been taken off. If I am in error about that I ask to be corrected.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I yield with great pleasure.

Mr. JONES of Washington. I think the reason given for that action was that no ships privately operated long continued in competition with Government ships and as the only purchasers they could hope to get for ships would be private operators, if we drove them out of business then we would have no purchasers whatever for the Government ships. I think that was the reason.

Mr. LA FOLLETTE. I have no doubt that is the reason, and which they assigned. It is the fact that that has been the policy of the board.

Mr. JONES of Washington. I think so.

Mr. LA FOLLETTE. I am glad to be confirmed in my statement of the testimony by the chairman of the committee.

Mr. CARAWAY. May I ask the Senator another question?

Mr. LA FOLLETTE. Certainly.

Mr. CARAWAY. The testimony of Lasker is that the operation of Government ships was at a great loss. Then he said if we put those ships which we were operating at a loss in competition it would destroy vessels which were operating at a profit. I am curious to know how that could be.

Mr. LA FOLLETTE. Will the Senator please repeat his question?

Mr. CARAWAY. Lasker said that the operation of Government ships was at a great loss; that it cost more to operate them than they earned; and yet he testified that because of their competition, which would necessarily mean they were running at a less cost, they would destroy privately owned ships being operated at a profit. If a privately owned ship was operated at a profit, I do not see how it would be destroyed by being put in competition with any such incompetent concern that was operating at a loss.

Mr. LA FOLLETTE. I agree with the Senator.

Mr. JONES of Washington. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Washington.

Mr. JONES of Washington. May I suggest that if we put all of the resources behind the Government ships we could keep them going even though we ran them at a loss, and if we did that we would soon drive the private shipping out of business.

Mr. CARAWAY. If I may be permitted to say to the Senator from Washington, that is rather a remarkable statement in view of his oft-repeated statement that we had hundreds of ships tied up which we did not operate.

Mr. LA FOLLETTE. To resume my argument:

The report just issued by the Shipping Board, however, shows that in spite of the maladministration of our Government-owned ships and the adverse conditions which have attended shipping operations the world over we have fared very well. I quote from page 44 of that report:

> During the fiscal year ended June 30, 1922, United States ports witnessed 37,312 arrivals and departures of vessels engaged in waterborne foreign commerce, which aggregated 80,231,000 long tons of cargo. Of this total, 52 per cent moved in American vessels, including tankers and Great Lakes traffic, in which our ships predominate. Excluding these, American ships moved 30 per cent only of our commerce. The total vessel dead weight entering and clearing was 214,952,000 tons, 51 per cent of which was American tonnage.
>
> In relative efficiency, as indicated by the relation of load to dead-weight tonnage, the American percentage was 37.9 per cent and the foreign 36.4 per cent. In other words, while American vessels used 2.62 dead-weight tons to transport each ton of cargo, foreign vessels used 2.74 dead-weight tons per cargo ton.
>
> Exports constituted 54 per cent of the total commerce. Forty-nine per cent of the entrances and clearances and 51 per cent of the dead weight entering and clearing were American vessels, and carried 68 per cent of the total imports and 39 per cent of the total exports.

Fifty-two per cent of our foreign commerce carried in American vessls during the time of the great depression in our shipping business is certainly nothing to be discouraged about.

Again, I quote from page 106 of the Shipping Board Report of 1922, and I might remind any Senators who have come in since I referred to the fact that the report from which I am about to quote has just been issued, and it will be found to be very interesting.

> Efforts of the corporation during the year to secure shipment of Egyptian cotton for American vessels were successful. This trade was under the control of British lines who, as a consequence, carried all Egyptian cotton to the United States. After considerable negotiation between representatives of the corporation and Egyptian cotton shippers an agreement was concluded whereby a division of American and British tonnage would take care of this cotton movement to the extent of 50 per cent of its exports by American and British vessels. A considerable portion of this cotton goes to Boston for New England mills, with occasional part cargoes for New York.

This shows what can be done in the way of getting business even with a very moderate amount of initiative.

Again, I quote from page 110 of the same report:

> General conditions in the Mediterranean trade, both from the Gulf and North Atlantic ports, were somewhat depressed owing to unsettled conditions. Both to continental Europe and Mediterranean ports the corporation made particular progress in the establishment of trade routes from Gulf ports.

Concerning the South American trade the report says:

> By close adherence to definite schedules and by placing the most suitable vessels in these trades the Shipping Board lines took a strong lead over the foreign lines; this was particularly true of the fast passenger cargo service between New York and Brazil and River Plata ports.

These are but samples to be found throughout this report, indicating the success and prosperity of American-owned ships, at least as compared with the ships of other countries. If this report is true, and there is certainly no reason to suppose that it exaggerates in favor of American shipping, it is conclusive proof that we have not only been able to hold our own but that our merchant marine has gained upon its rivals in competition for business during the last year and that it has done this without any subsidy.

We have heard much about loss on the operation of Government ships, and the effort has been made to mislead the public into the belief, by the most extensive and skillful propaganda ever attempted in behalf of any measure, that Government ownership and operation of a ship inevitably means a loss. The fact is that losses on Government-owned ships, if losses

have been sustained, have occurred on those ships not operated by the Government but operated largely under contracts adroitly devised to make the Government lose money. When Mr. Lasker came into the Shipping Board he thus described the now famous or infamous MO–4 contract:

> The contract is the most shameful piece of chicane, inefficiency, and of looting the Public Treasury that the human mind can devise. (See testimony of Mr. Lasker on previous hearing and inserted in the record of the joint hearings before the Senate Committee on Commerce and the House Committee on the Merchant Marine and Fisheries.)

Under this form of agreement all expenses of the operation of the vessel covering wages, feeding, stevedoring, wharfage, repairs, fuel, port charges—in fact, expenses of every nature whatsoever incurred directly or indirectly by the ships—are paid by the Government. Under this form of agreement the managing operator receives as his compensation a 5 per cent commission on the gross freight revenue for securing the cargo and handling the vessel at the port at which the cargo is loaded, and 2½ per cent of the gross freight revenue additional at the port at which the cargo is discharged. In other words, a total of 7½ per cent on the total freight revenue of the vessel as shown by the manifest. Also 10 per cent of the gross passenger earnings.

The foregoing description of the MO–4 contract is substantially taken from the statement of Mr. Frey, vice president of the Emergency Fleet Corporation, Volume I, page 538, of the above hearings. Further speaking of the MO–4 contract Mr. Frey said:

> The most disturbing element in connection with the MO–4 system of operation is that there is no incentive for the managing agent to bring about economies in operation. His compensation is fixed entirely on the gross revenue of the vessel, and it makes no financial difference to him whether the expenses of the voyage are $50,000 or $80,000, with the gross revenue at, say, $60,000. So far as he is concerned his compensation is based on 7½ per cent of the $60,000, and it makes no change in his revenue whether he operates the vessel with economy and with quick turnabouts in ports and is able to keep his voyage expense down to $50,000, or whether he allows things to shift for themselves and the voyage expenses run up to $80,000—the deficit comes out of the Government Treasury. (Vol. I, joint hearings, p. 539.)

Yet, sir, it appears from this statement that Mr. Frey presented at the joint hearing of the Senate Committee on Commerce and the House Committee on the Merchant Marine and Fisheries, held on September 8, 1922, that the MO–4 agreement is the basis on which—to quote his words—"practically all of the vessels of the Shipping Board now in operation are being handled." (Vol. I, joint hearings, p. 538.) In view of this situation the wonder is not that some loss has attended the operation of our ships under the depressed condition of the last two years, but the wonder is that the loss has not been a thousand times greater.

The Shipping Board made elaborate preparations to present its case for subsidy at the hearings before the joint committees of the two Houses. It marshaled all its experts, its $35,000 a year employees, and with the whole force and power of the administration back of it tried to make a case for subsidy and it failed. The testimony of one witness which found its way in the record on this subject, contrary to the wish and purposes of the Shipping Board, largely nullified the efforts of Mr. Lasker and his associates to show the impossibility of operating our ships without a subsidy. I refer to the testimony of Mr. Rossbottom, who had for years operated the Panama Line of Government ships and is at present operating the United States Lines.

Mr. Rossbottom was called by the Shipping Board to testify merely with respect to section 301 of the bill relating to the carriage of immigrants in American ships. After he had completed his testimony upon that subject he was questioned by some members of the committee, who developed the fact that Mr. Rossbottom had for years managed the Government's Panama steamship operations at a profit, and was at the present time in charge of the United States Lines. On this subject Mr. Rossbottom said:

> You can not operate any ships, no matter how much of a subsidy you give them, unless they have a trade to carry (p. 350).

Mr. Rossbottom's testimony will be found in Volume I, page 355, of the joint hearings previously referred to. Pages 360 to 381 of his testimony are particularly illuminating. I had intended to read from it at some length, but I pass it by for the present. However, there may be occasion to refer to it later in the debate. This portion of Mr. Rossbottom's testimony shows conclusively that ships can be run successfully in competition with any other ships in the world and without subsidies both in South American and European trade if only honesty and ordinary intelligence are applied in their operation.

The substance of his testimony is that both these lines had been run successfully and profitably, and that they could compete with the shipping of any other country in the world, and this in spite of the fact that some of the ships in the United States Lines were obsolete and not up to modern standards.

Mr. Rossbottom was compelled by the Shipping Board to take such ships as they were willing to let him have. He was not permitted to pick and choose from the idle ships tied up at the wharves—ships that would have returned a much greater profit in their operation—but he was obliged to take, with some ships that were fit to be put into service, ships that were unfit for operation in that trade; but taking them all together, he found himself able to operate that line of Government-owned ships successfully. The fact is that just as soon as we get away from the infamous MO–4 contracts and operate our ships with the desire to make them succeed, instead of a fixed purpose to make them fail, we find that our ship operations have been as successful as those of any other country in the world.

CONGRESS DENIED NECESSARY INFORMATION BY SHIPPING BOARD.

There is just one other point I wish to make upon this branch of the subject in passing. It is this: We hear a great deal about losses in the operation of Government-owned ships, but as I read the record of the joint hearings of the Senate Committee on Commerce and the House Committee on the Merchant Marine and Fisheries on this bill, Congress up to the present time has been denied full and definite information concerning the cause of those losses or the ships or lines upon which they have occurred. The Shipping Board—and I undertake to say that this information will startle Senators who are within the sound of my voice—flatly refused that information to Congress, as I read the record. On this point I quote from the minority report dated November 25, 1922, of the Committee on the Merchant Marine and Fisheries of the House, submitted to the House in opposition to this bill:

> Not only did members and representatives of the Shipping Board, who it had been announced would appear, fail to appear, but also other witnesses who had been requested by the Shipping Board and shipping interests to appear in behalf of the bill, were advised to send in written statements instead of appearing in person. It is known that a representative of the shipping interests, who took an active interest in behalf of the bill, wrote letters to some of those who had previously been requested to appear in person, not only advising them to send in written statements instead of appearing in person, but also advising that "this method will also prevent the cross-examination of witnesses."
>
> The hearings were not conducted in the interest of an unbiased investigation of the subject, but solely for the purpose of promoting the pending bill. The members of the Shipping Board who took an interest in the hearings manifested extreme partisanship. Meyer Lissner, a member of the Shipping Board, who was nearly always present, frequently interfered to prevent the development of important facts. The Shipping Board repeatedly refused to furnish important information called for by members of the committee. For instance, they refused to produce for insertion in the hearings the appraisal alleged to have been made in accordance with the law at the time all of the ships were advertised for sale; they refused to disclose the operating profits or losses of the different companies operating Shipping Board vessels; although they promised to do so, yet they failed to furnish an itemized statement of the expenditures from the $1,715,000 advertising fund, though repeatedly requested to do so.

Naturally, one might think that some of that advertising fund strayed off into backing propaganda for this ship subsidy bill.

> Of those who appeared in behalf of the bill at least nine were representatives from the Shipping Board, who, of course, appeared at the behest of Chairman Lasker; at least nine were connected with shipping interests who would share in the subsidies and other aids provided in the bill; it appeared that, with possibly two or three exceptions, the remainder who appeared in behalf of the bill did so at the instance of the Shipping Board or shipping interests, or both; some of these were representatives of licensed offices, one of whom, Luther B. Dow, business manager of the American Steamship Licensed Officers' Association, admitted that he was paid a salary of $5,000 per annum by certain steamship lines which he named, and that said steamship owners likewise paid their office rent of $237 a month and also the salaries of two subordinate officials; and that the licensed officers themselves did not contribute one penny to these expenses. He further stated that the said steamship owners had equal representation on their board of directors, etc.
>
> Five parties appeared and testified against the bill as a whole; four others testified against certain provisions of the bill without indorsing any of its provisions. As we recall, not a single witness—not even among those who appeared in behalf of the bill—approved all of the provisions of the bill. On the other hand, practically every witness criticized at least some of the features of the bill; but few of the objections thus pointed out have been remedied.
>
> Of course, those citizens opposing the bill did so from a patriotic standpoint, having no personal interest other than that of the great body of citizens generally. Consequently it was quite natural that but few would feel that it was incumbent upon them to voluntarily come to Washington on their own expense to help to protect the public interest. The members of the committees who were convinced that the bill was bad either as a whole or in part neither had the time, opportunity, nor facilities for ascertaining and procuring the attendance of witnesses to testify to the inequities of the bill. The hearings were rushed so rapidly that those who were faithfully attending and attempting to develop all the facts did not even have sufficient time to attend to their other official duties when not engaged in the hearings. We did not have a large force of Government-paid employees at our beck and call, as did the proponents of the bill. The committees refused to have summoned witnesses asked for by those opposed to the bill.

The correctness of these statements is vouched for by five perfectly reputable Members of the House of Representatives, who signed the report in which they are contained, and no one has denied or challenged the correctness of these statements.

In further support of what I say I will read a few questions and answers from the above record of the hearing in Volume II, page 1517:

Mr. DAVIS. Which information do you mean is not given out?
Mr. LOVE. The information that I have here.

For the information of Senators who may not happen to know, I will state that Mr. Love is one of the highly salaried employees of the Shipping Board who was taken over from one of the offices of the private shipping corporations and installed in that position.

I repeat the question in order that Senators may preserve the connection:

Mr. DAVIS. Which information do you mean is not given out?
Mr. LOVE. The information that I have here.
Senator FLETCHER. It does not cover the cargo ships at all; only passenger?
Mr. LOVE. No, sir. I had it made up in accordance with the request, Senator.
Mr. DAVIS. Mr. Love, I want to know whether there is any objection to furnishing the net voyage loss or the net profits of each of the Shipping Board lines for the past six months up to as near as you have it?
Mr. LOVE. That is, for the passenger services?
Mr. DAVIS. Both passenger and cargo.
Mr. LOVE. Judge, those figures all show in the monthly financial statements that we get out.
Mr. DAVIS. Chairman Lasker has already given the sum total?
Mr. LOVE. Yes, sir.
Mr. DAVIS. Of all of them combined?
Mr. LOVE. Yes.
Mr. DAVIS. I want to know if you are willing to break that up and give the same profits or losses as to individual lines?
Mr. LOVE. I would be very glad to confer with the chairman on that, but I do not believe this committee will be in session by the time we get it ready for you.
Mr. DAVIS. Have you an account with each company?
Mr. LOVE. Yes; but there are uncompleted voyages.
Mr. DAVIS. We will say, then, up to the period when the accounts are complete; in other words, Chairman Lasker furnished the voyage loss for February.
Mr. LOVE. Month by month?
Mr. DAVIS. For February and March. He had everything in before he could furnish that, did he not?
Mr. LOVE. Yes.
Mr. DAVIS. He had it in as to each individual line, then, did he not?
Mr. LOVE. That refers to the voyages closed within that month.
Mr. HARDY. I would like to know this, Mr. Love, in a general way: What kind of facts it is that you think can not be given out?
Mr. LOVE. I will read the headings.
Mr. CHINDBLOM. Mr. Chairman, I do not think that this examination is proceeding just the way it should.
Mr. GREENE—

Mr. GREENE is the chairman of the House committee.

Mr. GREENE. I think it is going pretty wide of the mark myself.
Mr. CHINDBLOM. Are we in the attitude here of trying to force the hand of the Government, which we represent? Why not tell the gentleman what you want him to furnish and let him confer with the chairman of the board and the members of the board and then let them come to a conclusion and give us a complete answer as to what their attitude is on it?
Mr. HARDY. That is what we are trying to get now.
Mr. GREENE. But he has told you he could not furnish it.
Mr. HARDY. And now I have asked what it is he can not furnish the committee.
Mr. GREENE. He stated he could not furnish it to you, and still you are insisting on trying to get it.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. PEPPER in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I yield.

Mr. DIAL. It occurs to me that if the Shipping Board had kept books they could have furnished the information sought.

Mr. LA FOLLETTE. An examination of the testimony I think will convince anybody that the information could have been furnished, but it was not the purpose of the Shipping Board to uncover the facts. That has been the attitude of that Shipping Board ever since it has been in office; but more of that will, I think, appear later in the debate on this bill.

After an attempt to deceive the committee into the belief that the Shipping Board did not have the figures in question, a summary was finally produced before the committee giving the aggregate but not the detailed figures, and the detailed figures were flatly refused. (See pp. 1519 and 1520.)

Mr. NORRIS. Mr. President, I confess I am somewhat amazed and astounded at the statement the Senator has made. Did the Shipping Board refuse to give the committee the information?

Mr. LA FOLLETTE. The Senator will find on pages 1519 and 1520 testimony which supports the statement I have made, that it was flatly refused. That testimony was taken in joint hearings of the House and Senate committees.

Mr. NORRIS. I want to see if I get it correct. As I understand it, they did give the information in the aggregate as to all the lines for February and March?

Mr. LA FOLLETTE. They did.

Mr. NORRIS. They refused to give the committee the loss or the gain of the different lines?

Mr. LA FOLLETTE. For the voyages.

Mr. NORRIS. They must have had that information or they could not have given the other.

Mr. LA FOLLETTE. Or they could not have given the complete statement for February and March.

Mr. NORRIS. What reason was given as to why they would not say whether there were some lines which were making money, while others were losing, and which they were?

Mr. LA FOLLETTE. There was no definite reason given, according to my recollection.

Mr. JONES of Washington. Mr. President, will the Senator permit an interruption?

Mr. LA FOLLETTE. Certainly.

Mr. JONES of Washington. Mr. President, while these were joint hearings, I was not able to be present at the hearings very much of the time on account of other business in connection with the committee, which kept me elsewhere. My understanding of the reason why they did not give out the detailed information with reference to these different routes in particular was that it would give information to the competitors of those lines which would be very detrimental to our own lines. That was the sole reason why it was refused, as I understand. My recollection also is that the chairman of the Shipping Board stated that he was perfectly willing to give that information to the committee in a confidential way, so that the information would not get out to the competitors of those lines.

Mr. LA FOLLETTE. Of course, there is a great mass of this testimony, two very large volumes of several hundred pages each, and I did not quote that portion of the testimony. My recollection is that the members of that joint committee who were pressing for that information, when they found they could not secure the information for the record, to the end that it could be made available for Congress, asked to have it privately furnished to the committee, and that it was not furnished. That is my recollection of the testimony.

The fact is that the Congress is being asked to legislate upon a subject it knows nothing about and upon which it has been denied the very information necessary to enable it to act intelligently. Until you know the ships and the lines and the voyages upon which it is claimed money has been lost and the contracts under which those ships were operated when it is claimed the loss was sustained, I submit to any man of business experience in this body, you can not say that ships require a subsidy unless you know the profit and loss resulting from the operation of every ship and all of the facts, conditions, and circumstances connected therewith; and this whole argument for disposing of the ships and granting a subsidy is based upon the fact that we were sustaining a $50,000,000 a year loss. That is the burden of the President's argument in his special message for this ship subsidy bill.

You can not say that the loss was not sustained through incompetence or worse; you can not say that a subsidy would remove the cause of the loss and put the ship on an operating basis. Certainly when the Shipping Board, representing the President, comes to the Congress and asks for a subsidy for the ships, every fact and every figure with regard to the operation of the ships ought to be laid before Congress. Nothing better illustrates the depth to which the Executive must believe the Congress has sunk than that he should send his representatives to Congress demanding this legislation while withholding information necessary for Congress to have in order to form any intelligent judgment on the subject.

It is a remarkable campaign that has been conducted to put over ship subsidy. On the one hand, Mr. Lasker, probably the cleverest advertising man in the country, has for months, as he has testified himself, been "selling" ship subsidy to the people through the press, in pamphlets, and the influence of prominent persons and corporations; while on the other hand he has veiled in darkest secrecy and hid from the Congress itself the most vital facts and information upon this subject.

THIS BILL IS ADMITTEDLY CONTRARY TO THE WILL OF THE PEOPLE.

Mr. President, this bill comes before you with the admission written all over it that it is contrary to the will of the people we represent and that every man who favors it, from the President down, knows that it is contrary to the will and wishes of the people of this country. The central provision

of the bill, section 403, which provides for the subsidy, is pregnant with this admission. That section declares:

The board is authorized and directed on behalf of the United States to enter into a contract with any person, a citizen of the United States, who is the owner of a vessel, for the payment of compensation in respect to such vessel, subject to the limitations of this title.

Why is it necessary to provide for this subsidy in the form of a contract? There is only one reason, and that is because it is known that the people are so far opposed to the subsidy that at the first opportunity they will send representatives here to Washington who will repeal any subsidy law, and so it is proposed to put this subject, if possible, beyond the control of the people for a period of 10 years. I suppose it is assumed that everyone supporting this legislation will be dead or out of office within the next 10 years. Certainly they will be out of office within a very much shorter period.

I observe that the majority of the Senate committee amended this section of the bill to provide—

That no contract made hereunder shall extend beyond a period of 15 years from the date of the enactment of this act.

Of course, the next or any succeeding Congress could repeal this section, as it could any other legislation, and that is the reason for the contract provision. It is fondly hoped that by making the subsidy a matter of contract between a Government official and the shipowner that the whole matter is placed beyond the control of Congress and the people.

The President when he came before the Congress a few days ago in a special message urging the passage of this bill had the temerity very frankly to urge that Congress should disregard the known wishes of their constituents upon this subject. He said:

In individual exchanges of opinion not a few in House or Senate have expressed personal sympathy with the purposes of the bill and then uttered a discouraging doubt about the sentiment of their constituencies. * * * Frankly, I think it loftier statesmanship to support and commend a policy designed to effect the larger good to the Nation than merely to record the too hasty impressions of a constituency.

Mr. President, there is no other government in the world laying any claims to being a representative government democracy in which such an utterance from the executive would be tolerated. Suppose that the premier of Great Britain, after an election at which the people had pronounced overwhelmingly in favor of a great governmental policy, should go before the House of Commons and urge the members to disregard the will of the people as expressed in the late election. That would be regarded in Great Britain as so dishonorable as to be practically unthinkable. A prime minister who would be guilty of it would not last for a single day. For the British King to do such a thing would mean a revolution and his overthrow in 24 hours. Yet, sir, such is the madness of the present administration that the President comes before the Congress, which has been but a few days previously advised of the people's will, and urges the Members to disregard it. "The too hasty impressions of a constituency" is not to weigh against "the larger good" to the ship magnates, including the Standard Oil, the United States Steel Corporation, the United Fruit Co., and other favored interests.

I shall not at this time attempt to discuss in detail the provisions of this bill. It is so fundamentally bad and conceived in such hostility to American institutions and so foreign to the will and purpose of the people of this country that no amendment could preserve the subsidy features and leave it a bill that any Senator, in my judgment, ought to support.

But there are some provisions in it that are so obviously vicious and so clearly indicate the real purpose of this bill that I will at this time call attention to a few of them.

SOME VICIOUS PROVISIONS OF THE BILL.

It will be observed that section 1 of the bill authorizes the disposition of the ships by public or private competitive sale after appraisement and advertisement substantially in the language of the existing law. So far so good. But turn to section 2 of the bill, which is new, and you read this:

That the board shall not for the period of two years after the enactment of the merchant marine act, 1922, sell vessels operating on routes established by the board prior to the enactment of this act to persons other than those who, in the judgment of the board, have the support, financial and otherwise, of the domestic communities primarily interested in such lines.

By this provision the whole matter of the persons to whom the ships are to be sold is left to the judgment of the board. They may go through the form of competitive bidding provided for in the first section of the act, but if, "in the judgment of the board" the successful bidder is not one to whom the board wishes to sell, the sale will be declared off and a new sale made, in which the successful bidder will undoubtedly be one approved by the "judgment of the board."

We deal with public lands. We have dealt with the lands of the wards of this Government as well as public lands. We have never lodged such power in a Cabinet minister as it is proposed to put in this board, which has lived under a cloud of suspicion for the last 15 months.

That the purpose of the framers of the bill was as I have stated is shown conclusively from the fact that the bill as it passed the House had in it a provision specifically authorizing the board to sell ships without competitive bidding or advertising. Just how it was possible for this board, even with its adroit advertising agent, Mr. Lasker, to put through the House of Representatives a proposition of that sort I am wholly unable to understand. The bill as it is now before the Senate gives the Shipping Board exactly this power, but the language in which it is done is made a little more obscure. They are invested with the discretion to set aside everything that is done under the provisions which require advertising and competitive bidding.

Everyone knows what will happen as soon as a contract is made with the Shipping Board for the sale of a ship. A corporation will be formed. The contract will be capitalized. Stocks and bonds will be issued and sold to the public. The insiders will get the bonds, the public will get the stocks at a cost greater than the value of the entire vessel.

The purchasers of the stocks will be lured on with the declaration that the Government has given a subsidy to the ship in which they are buying an interest. The money to purchase the ship will really be wheedled out of the public by clever salesmen like Mr. Lasker. The control, of course, will remain with the insiders, as is always provided in these cases. Then in a little while, when the public is getting no dividends upon its stock because the ship was capitalized for many times its actual value, the passenger and freight rates will have to be put upon the American people, and this fine scheme which is proposed to "save the farmers" and "furnish them transportation at reduced rates" will load onto their already bended backs unlimited advances in ocean transportation charges over which neither the Congress nor the Government proposes to exercise any control whatever. We are asked to give the big steamship corporations the Government ships, subsidize them on top of that to operate the vessels, and leave them unlimited authority to tax the public through transportation charges up to the limit of the paying power of the American people.

It will be the old, old story of the railroads over again. Think of the possibility of capitalizing and selling in this way ships which cost the Government three or four billion dollars, to be sold to such persons as the judgment of the Shipping Board approves. The merits of ship subsidy are lost sight of entirely in the presence of the great and immediate opportunity for graft and public exploitation under the provisions of this bill.

Section 5 of the bill provides for a revolving fund of $125,000,000, to be known as the "United States Shipping Board construction loan fund." This fund the board may use, according to subsection (b) of the bill, in making loans to aid such persons, citizens of the United States, as it pleases in the construction of ships or in the equipping of ships already built. This simply adds $125,000,000 more to the power of the board to dispense benefits to favored persons and interests. This section had an amendment added to it in the Senate committee, as follows:

*Provided*, That this section shall not apply to the construction or equipment of vessels by corporations or individuals primarily for the purpose of transporting their own products.

I suppose it will be contended that this takes care of the Standard Oil and Steel Trusts and other similar concerns and prevents their profiteering under the bill. Of course, the provision is useless for any such purpose. Even without this provision in the bill those concerns will doubtless organize separate corporations for owning and operating their ships so that the corporation owning the ships will not, of course, own the products which the ships transport. By this simplest of all devices known to corporation experts, the amendment added by the Senate committee will be completely nullified.

When you come to the sections dealing directly with the subsidy provisions of the bill the situation is even worse. Section 403, subsection (a) of the bill, provides that the board is authorized and directed to enter into a contract for the subsidy with any person, a citizen of the United States, who is the owner of a vessel. Then follows the provision: "The board shall not be required to enter into such contract unless in the judgment of the board such person possesses such ability, experience, resources," and so forth, as the board may approve. The whole matter is left to the absolute uncontrolled discretion of the board. You might just as well hand over the

millions involved in this subsidy scheme to the Shipping Board and say, "Put it where you think it will do the most good," as to enact into law the provisions of this bill. The board would have just as much control over the money in one case as it would in the other.

Subsection (b) of section 409 contains what looks like a very reasonable provision. It provides in effect that the compensation or subsidy after three years shall not be paid to any vessel owner unless at all times during the period covered by such payment a certain percentage of the total gross tonnage of the vessel is registered under the laws of the United States. Turn, however, to subsection (d) of the same section, and it reads:

The board may suspend from time to time the provisions of subdivision (b) in respect to a power-driven vessel—

And so forth.

In other words, the provisions which are so elaborately set out in subdivision (b) are by subdivision (d) made subject to suspension by the board according to its pleasure.

Subsection (a) of section 410 provides that whenever the board thinks that the regular rate of compensation or subsidy provided in the bill is not sufficient, the board in making the contract with a particular shipper may increase the rate of compensation to "double" that provided for in the bill. In other words, the board is authorized to contract with favored shipowners or lines for double the ordinary rate of subsidy provided for in the bill.

Subsection (c) of the same section provides:

After the making of the contract of compensation the board may, with the consent of the other party thereto, decrease or, within the limit provided by subdivision (a), increase the rate of compensation to be paid.

In other words, the owner of the ship may with his consent have his compensation reduced, but if he prefers to have it increased, then the board may increase it above the amount provided in the contract. To this section of the bill as it passed the House the Senate committee added the following amendment:

*Provided*, That no expenditures shall be made from the merchant-marine fund because of any increased compensation granted under the terms of paragraph (c) of section 410 except out of the appropriations made annually therefrom by Congress.

As the bill passed the House, section 402 had added to it subsection (d), as follows:

No expenditures shall be made from the merchant-marine fund except out of the appropriations made annually therefrom by Congress for carrying out the purposes of this act.

The result is that the provision in the bill as it came from the House, which was really notice that Congress would exercise some sort of control over the matter, is stricken out and a perfectly useless provision is added.

I deliberately assert that this amendment, added in the Senate committee in lieu of the so-called Madden amendment, amounts to nothing so far as affording any protection to the Treasury of the United States. Suppose that a contract is made with a favored shipper and afterwards the Shipping Board and the shipper agree that the rate of subsidy provided in the contract is not high enough and they fear that the proposed increase of subsidy is so obviously undeserved that Congress will not make an appropriation for it. That is the only conceivable situation in which this amendment would apply at all. In the situation supposed, what would be done? Both parties being in favor of the high rate of subsidy, they would simply agree to cancel the existing contract and make a new contract, naming in the new contract the rate of subsidy desired. That procedure is perfectly permissible under the amendment which was added to this bill in the Senate committee. Moreover, by making the rate of subsidy sufficiently high in the contract in the first instance, there would never be any reason or excuse for increasing it.

Section 411 of the bill provides that the contract for subsidy may require the vessel to be operated in a particular service, but subsection (b) thereof gives the shipowner the right to terminate the contract upon six months' notice, so that the first part of the provision is of no avail.

Section 413 provides that the repairs or renewals shall be made in ports of the United States. But the only penalty for disobedience of this provision is that the board may deduct what it pleases from the subsidy otherwise payable to the offending ship or line. This is simply an additional club which the board may hold over the head of the vessel owner. The board may withhold the subsidy for any reason or for no reason, but the unfortunate shipowner is powerless.

Of course, these provisions about the United States taking over the ships and paying compensation for them in case of war or other emergency adds nothing to the rights which the Government already possesses.

Another remarkable provision in this bill is that which provides that an owner of vessels registered under the laws of the United States and of other States may, nevertheless, receive compensation under the terms of this bill. It has been iterated and reiterated that the great purpose of this bill is to build up a 100 per cent American merchant marine; that in times of peace it shall enter into the sharpest kind of competition with the vessels of every other country in order to obtain business, and that in times of war it shall be an asset to the Government for national defense. This means and must mean that there can be no divided allegiance on the part of the person or the corporation receiving a subsidy in order to build up a great American merchant marine.

But what this bill does is to permit a person or corporation to be nine-tenths or ninety-nine one-hundredths foreign, so far as the ownership of vessels is concerned, and still draw the subsidy upon its American registered vessels under the terms of this bill. It is not until after three years have elapsed that any limitation is put upon it, and then that limitation is such as to still permit the subsidy to be drawn by the vessel owner, provided 50 per cent of the gross tonnage of his vessel, plus the total gross tonnage of vessels owned by persons with whom he is affiliated, are registered under the laws of the United States.

To-day we have one company, at least, which well illustrates the situation provided for in the bill, and it is doubtless for that company, and perhaps others similarly situated, that the provisions of the bill were framed to which I now call attention.

It would have been easy enough to have required in this bill that no person or corporation should receive the subsidy it provides for if such person or corporation was the owner of and engaged in operating ships of any foreign country. That is what the bill ought to have provided, and what it would have provided if its framers had considered the interests of an American merchant marine instead of the interests of certain favorite shippers who have always been more British than American.

Section 406 provides that compensation shall be paid in respect to any vessel only for mileage covered while the vessel (1) is privately owned and (2) is registered or enrolled and licensed under the laws of the United States.

Section 409(a) provides that compensation shall be paid in respect to any vessel only while the vessel is owned by any person who is a citizen of the United States. These sections seem to mean, upon their face, that no owner shall receive compensation unless he is an American citizen and his ships are registered under the flag of the United States. A little more critical examination shows, however, that the sections mean nothing of the kind. If a particular vessel is American owned and if it is registered under the laws of the United States it is entitled to compensation even though the owner may own four times as much tonnage registered under the British flag, and, consequently, his interests in a merchant marine would be four or five times as much British as American.

Then comes subsection (b) of section 409, which provides that if after three years—you see no question is raised about it until after three years—the compensation will be continued to the owner if during that three-year period 50 per cent of his tonnage, plus the tonnage of affiliated concerns, is registered under the laws of the United States. The Senate very generously reduced this percentage of tonnage from 75 to 50 per cent, going even further than the House bill, and even further apparently than Mr. Lasker cared to go in allowing foreign influence to get a controlling grip upon our merchant marine.

Whether these sections were put into this law simply to fit the International Mercantile Marine Co. or not, or whether there are other companies to which they are equally applicable, I do not know. But I do know it fits the International Mercantile Marine Co. exactly, and it allows that company, although nine-tenths British, to profit on its American-owned ships under this bill precisley as though it were wholly an American company.

The International Mercantile Marine Co. owns a few American ships, but it owns, according to its last report, or the last one available to me, about 100 British ships, nearly ten times its holdings in American ships. And these British ships, which traverse every route of maritime commerce open to American ships and enjoy the most profitable of the carrying trade of the United States, are just as completely British ships and subordinated to British interest as any ships which fly the British flag.

In my remarks in the Senate printed in the CONGRESSIONAL RECORD of August 1, 1921, I dealt with this subject very fully, and demonstrated how completely British interests dominated

the International Mercantile Marine; and yet, sir, so cleverly is this bill framed that this thinly disguised British concern is to receive compensation under the terms of this bill. I read at that time the provisions of the contracts, which showed how completely the ships of this concern are tied up to the British Government, and the substance of those contracts will be found in the RECORD containing my speech on that subject on August 1 and 2, 1921.

In order to refresh the recollection of Senators, I quote the principal provisions of those contracts.

The contract of 1903 between the British Government, the International Mercantile Marine Co., and the subsidiary British companies provides in its first paragraph that these ships shall be on an equality with all other British ships "in respect of any services—naval, military, or postal—which His Majesty's Government may desire to have rendered by the British merchant marine."

The second paragraph provides, respecting these companies, that "a majority at least of their directors shall be British subjects."

The third paragraph forbids the selling of any of these ships to other than British subjects without the consent of the British Board of Trade.

The fourth paragraph provides that the officers shall be British subjects, and such proportion of the crew as the British Government shall prescribe.

The fifth paragraph provides that these ships must be sold or let to the British Admiralty upon the Admiralty's demand.

The sixth paragraph provides for the building of ships for British companies.

The seventh paragraph deals with the manner in which other British subjects or corporations may become associated in the business.

The eighth and ninth paragraphs provide for the contingency of some one other than a British subject or corporation becoming connected with the enterprise and subjects them to the terms of the agreement.

The tenth paragraph provides that the contract shall run for 20 years from September 27, 1902, and shall continue in force thereafter subject to a notice of five years on either side—

*Provided*, That His Majesty's Government shall have the right to terminate this agreement at any time if the association pursue a policy injurious to the interest of the British mercantile marine or of British trade.

The eleventh paragraph provides that the agreement shall take effect as a contract made in England and in accordance with the laws of England.

The twelfth paragraph provides that in case of any difference as to the interpretation of the contract or any dispute arising out of it "the same shall be referred to the lord high chancellor of Great Britain for the time being, whose decision, whether on law or fact, shall be final."

I come now to the second agreement which controls the International Mercantile Marine Co. I have just given the Senate the first agreement, which was made in 1903; the second was made on October 1, 1910. The agreement of October 1, 1910, between the same parties increased the facility with which the Admiralty might obtain control of any of the ships of the subsidiary British companies, and provided that any such ships "which may be considered by the Admiralty suitable for the employment as armed cruisers or commissioned auxiliaries shall be sold or let on hire to the Admiralty" as therein provided. Great Britain evidently saw something in 1910 from afar off.

A further agreement of September 2, 1919, is even more significant than the other two.

Paragraph 1 thereof provided, respecting these subsidiary companies, that—

No person shall henceforth be a director, managing director, managing agent, manager, or person to carry on or manage the business of any such companies unless his appointment shall be acceptable to the board of trade.

That means, of course, to the British Government.

Paragraph 2 places the entire management of the subsidiary companies under its British board of directors, and even assumes to extend the power and authority of such directors beyond that provided in their articles or by-laws.

Paragraph 4 provides that these subsidiary companies shall not be regarded "as a foreign-controlled company" as to the building, purchasing, and operating of vessels and the acquisition of shares in other British steamship companies.

The succeeding paragraph provides that these subsidiary companies shall be on the same footing as all other British steamship companies, which are free from foreign control as to any facilities or advantages for the development of the business, but if the British companies shall give notice for the termination of the principal agreement these advantages shall cease.

These are the ships—nearly a hundred of them—which must be run entirely in the interest of British commerce and as the British Government directs, from which the International Mercantile Marine Co. derives the bulk of its revenue and upon the continued operation of which it must depend if it is to succeed. The International Mercantile Marine Co. is bound to serve British interest; first, by the natural desire to make a profit out of its business; and, secondly, by its contracts which place it absolutely under the control of the British Government. Yet this bill was purposely so framed as to allow that company to share in the subsidy for which it provides.

In concluding what I have to say at this time, I desire to call special attention to section 272 of the bill, which assumes to confer upon the Shipping Board powers entirely foreign to any legitimate function of the board. Subsection (a) of that section provides, in effect, that the Shipping Board shall determine and allocate to the proper years the allowance to the shipowner for exhaustion, wear and tear, and obsolescence, which is provided for in the revenue act and which has been determined as provided for in that act. Whether this provision of subsection (a) of section 272 of the bill is intended to be retroactive and give the Shipping Board power to reopen what has been settled and determined by the Treasury Department is problematical. But there is no doubt that subsection (b) of section 272 confers upon the Shipping Board the power to make a deduction from the value of the vessel for income-tax purposes, going back to the year 1914. Subsection (b) provides:

In the case of a vessel of 1,000 gross tons or more (as shown by her certificate of admeasurement) registered, enrolled, or licensed, under the laws of the United States, acquired after August 1, 1914, and prior to January 1, 1921, there shall be allowed for the taxable year 1922 and each of the four succeeding taxable years a reasonable deduction for the exceptional decrease in value thereof since the date of acquisition, but not again including any amount otherwise allowed under this act or any previous act of Congress as a deduction in computing net income.

It is further provided that this deduction to be determined by the Shipping Board shall be allocated to the taxable year 1922 and the four succeeding years. This section means nothing more than this: A vessel may have been purchased or built during the war at war prices, operated sufficiently to pay many times her cost, but at the present time there is an "exceptional decrease in value." The Shipping Board is now going to open up this whole question, going back to 1914, and although the vessel may have received the allowance provided by law for exhaustion, wear and tear, and obsolescence, this new element of "exceptional decrease" is to be allowed by the Shipping Board, written into the revenue law, and the deduction made from the taxes of the vessel owner going back to August 1, 1914. When the exceptional circumstances are considered under which vessels were acquired and operated during the war period and their great decrease in value since that time, the tax which the shipowners will recover will run into tremendous amounts. This one section of the bill in the benefits conferred upon shipowners may well exceed in value all other provisions in the bill.

I do not believe that a worse bill than this ever came before the Senate of the United States for consideration. It represents a policy that has been repeatedly rejected by the people of this country. The public opinion of the country is overwhelmingly opposed to it to-day. It simply means turning over the people's property to favored interests for a few cents on the dollar and a tax of millions of dollars levied annually in order to pay as a subsidy to those who take the ships practically as a gift. It means millions of dollars of tax refunds to the shipping interests. It does not even promise, much less guarantee, cheaper rates for ocean commerce. It proposes to destroy our Army and Navy transports and turn this great agency of potential defense over to private shipowners. It does not guarantee the building of a single new ship or the maintenance of those we have. It is wholly bad, and the attempt to force it upon an unwilling country can not be too strongly condemned.

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APPENDIX.

Resolution adopted November 24, 1922, by the National Grange in national session at Wichita, Kans.

*Resolved*, That the National Grange, in the fifty-sixth annual session, assembled at Wichita, Kans., November 24, 1922, and representing nearly 1,000,000 organized farmers of America, hereby declare its unalterable opposition to all ship subsidy legislation and to every form of direct subsidies to private enterprises; and

It hereby pledges the full strength of the organization toward the defeat of whatever form of ship subsidy legislation has been or hereafter may be introduced in Congress.

If upon investigation it is found that the American merchant marine is handicapped in its operation by present conditions and laws, then the grange favors a revision of the navigation laws rather than Government aid through a ship subsidy.

C. M. FREEMAN, *Secretary.*

—

Resolution of the National Farmers' Union passed at annual convention.

LYNCHBURG, VA., *November 21, 1922.*

We hold that public subsidies for private business enterprises are inconsistent with legitimate governmental functions, and therefore we are opposed to ship subsidies or to any other Federal appropriations designed to support failing private enterprise at the expense of the taxpayers.

—

Resolution of American Federation of Labor.

Whereas Congress through its committees is now conducting hearings on S. 3217, a bill to amend and supplement the merchant marine act of 1920, and for other purposes; which is, in fact, a bill to subsidize the shipowners of America; and

Whereas this bill in every feature thereof is predicated upon the unfounded claim that such subsidy is needed to equalize the wage cost, which it is claimed runs strongly against the American vessels; and

Whereas there is no material difference in either wage cost or subsistence cost running against American vessels, and any real enforcement of the seamen's act will prevent any differential against vessels under the American flag in the future: Therefore be it

*Resolved*, That, acting for and on behalf of the trade-unions of America, we reiterate that we are generally opposed to subsidies of any kind, and specifically opposed to subsidies being granted to shipowners, because, first, there is no proof that subsidies ever built up or materially aided in building any merchant marine; second, because it is provocative of inefficiency and graft and general parasitism.

*Resolved further*, That we are opposed to this particular bill for reasons some of which we enumerate as follows:

First. Because it presumes to sell the vessels now owned by the Government, when in fact the so-called sale is nothing but a smoke screen to hide the fact that the shipowners are to receive the vessels for nothing and then some $300,000,000 over and above the purchase price for operating the vessels for 10 years, after which time the ship operators may turn the vessels back to the Government.

Second. Because this bill confers upon the Shipping Board powers such as have never, so far as we can ascertain, been given to any commission or board in any country. Under this bill it can give the subsidy or withhold it; it can reduce the subsidy or double it; it can sell the vessels at any price to one person or refuse to sell to another person at a higher bid because it is of the opinion that the bidder's character is such that he may not use the vessel to promote the interests of the United States. It can lend money to one person at 2 per cent interest and refuse it to another when both are to use it for the same purpose.

Third. Because the shipowners who are advocating the bill and will be the recipients of the bounty refuse to give any real information about their business during the last 10 years; in fact, any information which might show whether any subsidy is really needed, even from the point of view of those favoring subsidies as a principle, unless ordered to do so by the joint committee conducting the hearings.

Fourth. Because the shipowners are so organized that there is not, nor will there be, any competition between them in the buying of the ships.

Fifth. Because the shipowners have dominated the policy of the Shipping Board during nearly all of its history. They are dominating it now, and there is no reason to believe that they will not continue to control it in the future.

Sixth. Congress has, during our history, except in two or three instances, given the shipowners anything they asked; and it is, therefore, the shipowners and shipbuilders who are at least indirectly responsible for the decay of our sea power, and there is no good reason to believe that the shipowners and their policy will improve after getting the subsidies.

Finally, we believe that this is no time to sell the vessels, but that, having tried to operate the vessels under agreement with the shipowners and having failed, we may now try to operate them directly in the manner that Mr. Rossbottom is now operating his "spiked team," without any serious loss to the Government. We believe that the losses would be much less, if any, and that the shipowners would then buy the vessels which they have so far refused to buy.

—

Resolutions of International Seamen's Union of America.

CHICAGO, ILL., *January, 1922.*

Whereas the agitation for some kind of a ship subsidy is continued; and

Whereas the bases claimed for such subsidy seem to be (a) the greater cost of shipbuilding and (b) the greater cost of operation on account of greater wage cost; and

Whereas the cost of shipbuilding, because of the monopoly of shipbuilders, is true as to ships to be built, but has no application now, because the Shipping Board may sell vessels at any price; and

Whereas the difference in wage cost in so far as it may now exist arises from failure to enforce the seamen's act: Therefore be it

*Resolved by the International Seamen's Union of America*, That we are opposed to any ship subsidy and protest against it on the ground of its proven ineffectiveness in promoting a merchant marine and in building sea power: And be it further

*Resolved*, That we favor any just mail subsidy on the ground that such is not a subsidy but payment for work performed.

—

Resolutions of Washington State Federation of Labor.

SEATTLE, WASH., *March 22, 1922.*

Whereas there is now before Congress a bill known as H. R. 10644 and S. 3217 which provides for a subsidy, a naval reserve, and an amendment to the immigration law as now applied to seamen; and

Whereas it is a well-known fact that where subsidies have been in operation they have proven failures, and in many cases abandoned, as in France, where the vessels sailed all around the globe in ballast, and the people were mulcted so the shipowners could draw dividends; and

Whereas the American shipowners in 1921 made from 10 to 20 per cent dividends, and their cry that they must have financial assistance from the Government has no bearing on facts; and

Whereas the bill provides that no seaman coming into the United States on a foreign vessel can enter unless he has a consular certificate, which seamen can not procure, and if he should leave the vessel the owner will have to pay for him the sum of $200, which means that he will be unable to leave, because the owner will see to it that he remains on board; this will not work the same way with the Chinese, because it is a well-known fact that a Chinese landed in the United States is worth from $750 to $1,000, and it does not take much imagination to see that this proposed law would legalize importation of Chinese into the United States: Therefore be it

*Resolved by the Washington State Federation of Labor*, That we are opposed to said bill and urge upon all our Senators and Congressmen to vote against it.

Respectfully submitted.

W. M. SHORT,
*President Washington State Federation of Labor.*

—

Resolutions of Waterfront Workers' Federation.

Whereas the President of the United States, in a recent message to Congress, recommends the enactment of legislation providing for the payment of a subsidy to certain shipping companies: Therefore be it

*Resolved by the Waterfront Workers' Federation, in meeting assembled this 15th day of March, 1922*, That we are opposed to the proposed subsidy legislation on the grounds—

1. Instead of promoting the rehabilitation of the American merchant marine such legislation is more likely to have the opposite effect, inasmuch as the subsidized vessels would be put into competition with nonsubsidized craft and thus destroy the business of the latter; and

2. We are opposed to the expenditure of public funds to promote private enterprise; and

3. We feel that the Nation owes a prior duty to its ex-service men, and until that obligation is discharged the question of aiding private enterprises should be held in abeyance; further

*Resolved*, That copies of these resolutions be forwarded to the President of the United States and to the Members of Congress from California.

M. T. DOYLE, *President.*
E. F. KRAUT, *Secretary-Treasurer.*

[From American Federation of Labor information and publicity service, Washington, D. C., December 8, 1922.]

Protests against the enactment of the ship subsidy bill now pending before the United States Senate have been reaching the American Federation of Labor from labor organizations throughout the country. These protests have been received from officials of international unions whose membership reaches from coast to coast, and also from State federations of labor and from local bodies of labor throughout the country. The protests indicate a thorough understanding of the measure and a genuine apprehension on every hand of evil results in the event of its enactment into law.

Because of the widespread interest in the ship subsidy issue a number of these protests were made public to-day at the office of President Samuel Gompers. They are attached hereto.

—

A COST-PLUS PLAN.

(By G. W. Perkins, president Cigarmakers' International Union.)

If we subsidize the so-called ship marine for the purpose as stated of enabling our ships to compete with the ships of foreign nations, the foreign nations would immediately subsidize their shipowners, reduce wages, or otherwise cheapen the cost of shipping by water. We, in that event, being bound by a 20-year contract on the cost-plus plan, would have to increase our subsidy to the American ships. Such a system leads nowhere except to piling up taxes on the innocent, burden-bearing masses. Some are bold enough to say that the question of subsidizing our ships originated in foreign countries. The idea is that if America subsidizes its ships it would give these foreign shipowners an excuse to go to their own Government and demand an equal subsidy for their ships. The whole system of subsidizing or anything else is economically and financially unsound and perniciously vicious and should under no circumstances be tolerated.

—

SUBSIDY AND SOCIALISM.

(By John A. Voll, president Glass Bottle Blowers' Association of the United States and Canada.)

The cry has been that Government ownership of railroads and merchant marine is socialistic. What, may we ask, is a subsidy to private industry? If private industry in the shape of public utilities can not stand upon its own bottom and will function only through a subsidy, then those public utilities should be owned and operated by the Government, for if there is a deficit in the operation that must be met by taxation, the expenditure of the money thus derived should always be in the hands of the people's representatives upon whom they at all times have a check through the ballot and which eliminates 20-year contracts that deprive the people from taking any advantage of changes that may occur favorable to their interests in the method of transportation or prevent abolishing entirely, if in their minds, this burden of taxation for making up a deficit in transportation on water or land does not meet with their views or expectations.

—

PREMIUM UPON INEFFICIENCY.

(By E. William Weeks, secretary-treasurer Brotherhood of Railway Carmen of America.)

The Shipping Board experts in a report state that subsidy in building up a merchant marine for foreign countries has been unimportant. It has only been through the superior skill and technical ability that other nations have maintained the lead, and no gift or reward from our Government to our shipowners will take the place of the necessary mental qualifications held by others who have prospered without a subsidy. In this particular case it is not a matter of fostering or protecting an infant industry. It is a matter of meeting efficiency with efficiency.

The second opposition is based on the fact that the people of this country do not want a ship subsidy. Both in the primaries and in the fall election adherents of the scheme have been replaced by those in opposition to the measure. The very anxiety shown in forcing through the bill, before the political death of those who favored it, is evidence that something is contemplated at variance with the wishes of the people.

—

CLASS LEGISLATION.

(By Daniel J. Tobin, general president International Brotherhood of Teamsters and Chauffeurs.)

In every instance I have found that all classes as a unit are opposed to the passage of this measure. In many instances business men, as well as the workers, call it a "steal" from the American people in behalf of certain shipping interests. They say, "If the Government has the right to subsidize the shipping interests, why not subsidize the farming interests which are suffering as a result of the many perplexing conditions that surround agriculture?". They say, "Why not subsidize the packing houses or the packing industry so that the price of meat may be reduced?" In short, the masses of people say that no special interest in this, or any other country, during times of peace, should be subsidized by the Government, taking it from one class and turning it over to another class.

—

UNFAIR TO FARMERS.

(By H. M. Thackrey, secretary-treasurer Arkansas State Federation of Labor.)

I realize the fact that the legislative committee of the American Federation of Labor and the joint legislative conference are using their best efforts to defeat the ship subsidy bill that has been brought forward by the President as the reason for calling a special session of Congress.

I heartily commend you for your untiring efforts and urge your continued efforts in the defeat of this measure.

It will place an excessive burden upon an already overtaxed people for the benefit of existing shipping companies or companies to be organized.

This bill provides for a loan to shipowners of a revolving fund of $125,000,000 at 2 per cent interest and for a period of 15 years at a time and up to two-thirds the cost of the ships upon which the loan is to be made. Whereas under the Federal farm loan system farmers are compelled to pay 6 per cent interest and are not allowed to borrow more than 50 per cent of the market value of their farms.

This bill does not require the Shipping Board to make any report or accounting to the President or anyone else. It confers upon the Shipping Board the most autocratic and unprecedented powers ever conferred upon any board.

The labor provisions of the seamen's act would be partially destroyed, and there is no doubt that eventually the shipping business would gradually come into the hands of powerful shipping combinations.

—

AN ENDLESS DRAIN.

(By J. P. Noonan, president International Brotherhood of Electrical Workers.)

We are entirely in accord with the American Federation of Labor on the ship subsidy bill because we are fully convinced that the public has been systematically robbed and burdened with taxes; first, by paying the railroads unearned money; second, on a more gigantic scale by the passage of the Fordney-McCumber tariff bill and because our experience with such legislation leads us to the belief that a ship subsidy, however innocent appearing at the time of its birth, will develop into a feeding trough for certain financial interests whose appetite will prove insatiable and while the first year of its operation may cost what our financially erudite administration may term a nominal sum of $50,000,000 a year difficulties and exigencies will continuously develop that will cause expenditures far more than $50,000,000 a year. An indebtedness of this nature under a contract such as proposed would, in my opinion, be progressive, and if the tenth year would see the country escaping an indebtedness for that year of $200,000,000 it would, in my opinion, not only surprise those who desired it but would also surprise the oldest and most capable of our politicians.

—

MINNESOTA PROTESTS.

(By E. G. Hall, president of the Minnesota State Federation of Labor.)

I am writing you briefly that the labor forces of Minnesota object to the ship subsidy bill that is coming up before the United States Senate in the very near future. The men and women of labor of Minnesota desire to register their protest against the passage of this bill.

We believe that the Shipping Trust, the Railroad Trust, Steel Trust, the Standard Oil Trust, United Fruit Trust, the Sugar Trust, etc., have got more now from our Government and its people than they are justly entitled to. We do not believe in a government paying a premium to any business or the administration at Washington now to give over its millions of investments and then to guarantee a payment in addition for their operations.

—

UNITED STATES AGAINST SUBSIDY.

(By J. L. Coulter, secretary International Association of Oil Field, Gas Well, and Refinery Workers of America.)

President Harding and his colleagues plainly see from the reflection in the mirror of our last general election that the people of the United States do not want such a law enacted. Therefore the reason for calling a special session of Congress to arbitrarily force this bill through, if possible, before the Wall

Street puppets must relinquish their seats to their progressive successors. The people of the United States do not want individual, group, or class legislation, and every effort should be put forth to prevent such being arbitrarily forced upon them.

The American people to an extent are losing confidence in constitutional government as maneuvered as it has been by big business, and such legislation as proposed by our President in the ship subsidy bill only adds fuel to the revolutionary propaganda that is already falling on attentive ears.

—

FLAG-WAVING BUNK.

(By Roscoe H. Johnson, international president Commercial Telegraphers' Union of America.)

Flag waving in connection with establishment of a vast subsidized American merchant marine is the bunk, and our hypocritical incumbent of the White House knows it.

Slip a good fat subsidy into the coffers of the shipping interests—American so called—and the people are promised that nice pretty American flags will make their appearance at the mastheads of every emergency-built piece of junk now resting peacefully at anchor in our seaports.

And how long will these subsidized flags remain there? Just so long as the Shipping Trust is successful in milking Americans of further "Government aid."

—

INVITATION TO GRAFT.

(By E. H. Fitzgerald, president Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.)

I am unqualifiedly, whole-heartedly, and bitterly opposed to this legislation.

First, it will adversely affect American seamen. I note that twice within a year the pay of American seamen has been decreased until now the official Shipping Board rate is $55 for seamen and $57.50 for firemen, per month. Why should the American people subsidize an industry which treats its employees in this fashion? Why should such industries be given further authority by the United States Government to mistreat American seamen?

Secondly, the great American public, most of which consists of us common people, must foot the bill, which will be more than $50,000,000 annually to be handed to shipowners if this nefarious legislation is adopted. In return, the public gets no guaranty of improved shipping conditions, no assurance of lower freight rates, and no assurance of better service.

The bill further provides that merchant ships which have cost the taxpayers of this country $3,500,000,000 are not only to be given away at panic prices but the big shipowners are actually to be paid for taking them. The bill does not provide that they shall be sold under competitive bids. Therefore, in that respect it is un-American and is in fact an invitation to graft and thievery.

—

PRIVATE ENTERPRISE AT PUBLIC EXPENSE.

(By M. S. Warfield, president Order of Sleeping Car Conductors.)

The transfer of ships and shipping from Government to private interests will not remove the burden from the taxpayers. The drain on the Treasury will continue. The public will be compelled to establish and maintain a profitable business for a few individuals by financial guaranties. Shipping will thus become private enterprse at public expense, and for this reason the bill should not pass. The problem of handling the United States merchant marine should be solved in the interests of all the people.

—

(By A. F. Eagles, president, and H. B. Brawn, secretary, Maine State Federation of Labor.)

The Maine State branch of the American Federation of Labor is absolutely opposed to the ship subsidy bill, for the following reasons:

First. Nobody knows what this class of legislation will cost the people of this country; no limitations are specified as to what the actual cost will amount to.

Second. We are opposed to the enactment of any law that would not allow of the repealing of that law if it shows defects, and as the law would allow of 20 years to elapse before it could be repealed or amended we object to this class of legislation.

Third. The ship subsidy bill deals with special interests and opens up the way for unlimited grabs upon the Public Treasury.

Fourth. It denies to those who follow the sea for a livelihood that protection which should be given toward the upholding of good American standards of living, and would in the end place the American seaman on a level with the Chinese coolie labor.

Fifth. We believe that general principles should defeat and not enact legislation as contemplated in the ship subsidy bill.

REPEAL IMPOSSIBLE.

[By J. J. Handley, secretary Wisconsin State Federation of Labor.]

The ship subsidy "steal," known as a bill now before Congress, is a most brazen attempt to fleece the American people. It means selling the Government-owned ships to a monopoly at 10 cents on the dollar, and then pay a subsidy of $75,000,000 a year to operate them. Their attempt to hoodwink the people of the Northwest by attaching an amendment purporting to favor the deep water-power interest, purporting to favor the deep-waterway plan from the Great Lakes to the Gulf, should not be tolerated. Labor would not feel so keen about this legislation were it possible to repeal the law after this session, when the people would have realized what had happened, but because of the contracts it carries its repeal will be impossible for many years.

Organized labor of Wisconsin is opposed to the ship subsidy and warns against any scheme in putting it across, be it the deep waterway or anything else, because it practically gives to a private shipping monopoly our Government ships and then requires our Government (the people) to pay an enormous sum to this private ship monopoly for operating them.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On December 11, 1922:

S. 4025. An act to permit Mahlon Pitney, an Associate Justice of the Supreme Court of the United States, to retire.

On December 14, 1922:

S. 3990. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.

REPORT OF THE PANAMA RAILROAD CO.

The PRESIDING OFFICER (Mr. PEPPER in the chair) laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying document, referred to the Committee on Interoceanic Canals:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the seventy-third annual report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *December 15, 1922.*

PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES (S. DOC. 275).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, ordered to be printed and referred to the Committee on Agriculture and Forestry:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of the Congress and for its determination whether it will authorize that the United States be officially represented in the Permanent Association of International Road Congresses and grant permission for the Secretary of Agriculture to advance the necessary annual sum for membership fee therein out of the administrative fund provided by section 21 of the Federal highway act of November 9, 1921, a report from the Secretary of State with an accompanying letter from the Secretary of Agriculture on the subject.

I believe it is altogether desirable for the United States to have representation in this association and I strongly recommend the granting by Congress of the authority requested by the Secretary of Agriculture.

WARREN G. HARDING.

THE WHITE HOUSE, *December 15, 1922.*

TREASURY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask permission at this time to present a conference report, which I send to the desk. It is the conference report on the Treasury Department appropriation bill. I ask for its adoption. The conferees have come to an agreement on all but three or four items, which have to go back to the House. I ask for the adoption of the report so that it can go to the House.

The PRESIDING OFFICER. The report will be read.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13180) "making appropriations for the Treasury Department

for the fiscal year ending June 30, 1924, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 13, 14, 15, and 16, and agree to the same .

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,100,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and $35,000 of the $12,100,000 to be available for expenditure in the District of Columbia in addition to the sums herein and heretofore authorized: *Provided*, That no person shall be paid at a rate in excess of $3,000 per annum and not more than four persons may be paid at a rate of $3,000 per annum each from the said sum of $35,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 1, 2, and 3.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
*Managers on the part of the Senate.*
MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,
*Managers on the part of the House.*

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Brookhart | Glass | McKinley | Smoot |
| Broussard | Hale | McNary | Stanley |
| Calder | Harris | Nelson | Sterling |
| Cameron | Harrison | New | Sutherland |
| Capper | Heflin | Norbeck | Swanson |
| Colt | Hitchcock | Norris | Townsend |
| Couzens | Jones, N. Mex. | Overman | Trammell |
| Curtis | Jones, Wash. | Pepper | Underwood |
| Dial | Kendrick | Pittman | Wadsworth |
| Dillingham | Keyes | Pomerene | Walsh, Mass. |
| Ernst | King | Ransdell | Warren |
| Fernald | Ladd | Robinson | Watson |
| Fletcher | Lenroot | Sheppard | |
| George | Lodge | Shortridge | |
| Gerry | McKellar | Smith | |

The VICE PRESIDENT. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. FLETCHER. Mr. President, I want to take just a few moments on the subject referred to by the Senator from Wisconsin [Mr. LA FOLLETTE] in connection with the efforts on the part of some members of the committee when this bill was under consideration by the Committee on Merchant Marine and Fisheries of the House and the Commerce Committee of the Senate, sitting together to get certain information. The hearings beginning at page 1517 and on through to page 1521, inclusive, cover that subject, and they show that the effort was made on the part of Mr. DAVIS, Mr. HARDY, and myself while Mr. Love was on the stand to secure those statements showing the operation of each line and the result as to each ship, the idea being that we could thereby establish the weakness, wherever it existed, and determine what ships were losing and what ships were not losing, which would be very helpful to the committee, much more so than a general statement merely showing the aggregate of revenues received, voyage expenses, repairs, insurance, lay-up, administrative expenses, and all that sort of thing included in the general summary which the Shipping Board furnished. We wanted a statement as to each ship, and especially as to each operating agent, so that there would be details before the committee which would enable us to determine what routes were paying and what routes were not; what ships were profitable and what were not; where the losses were occcurring, if any, and also separating the other items in the general summary so as to be able to have clearly before us a view of the situation in connection with the operation of the ships.

That inquiry began while Mr. Love was on the stand, as I have said, and this occurred:

Mr. DAVIS. I want to know if you are willing to break that up and give the same profits or losses as to individual lines.

Referring to the combined summary:

Mr. LOVE. I would be very glad to confer with the chairman on that, but I do not believe this committee will be in session by the time we get it ready for you.

Mr. DAVIS. Have you an account with each company?

Mr. LOVE. Yes; but there are uncompleted voyages.

Mr. DAVIS. We will say, then, up to the period when the accounts are complete; in other words, Chairman Lasker furnished the voyage loss for February.

Mr. LOVE. Month by month?

Mr. DAVIS. For February and March. He had everything in before he could furnish that, did he not?

Mr. LOVE. Yes.

Mr. DAVIS. He had it in as to each individual line, then, did he not?

Mr. LOVE. That refers to the voyages closed within that month.

Mr. HARDY. I would like to know this, Mr. Love, in a general way—what kind of facts it is that you think can not be given out?

Mr. LOVE. I will read the headings.

Then followed further discussion, when Mr. HARDY inquired:

And now I have asked what it is he can not furnish the committee?

Mr. GREEN. He stated he could not furnish it to you, and still you are insisting on trying to get it.

On page 1519 this occurred:

Mr. DAVIS. Mr. Love, I am sure, undertook to speak accurately for Mr. Lasker in the matter.

Mr. HARDY. I do not think that the aggregate or data inserted in the record as to the aggregate should go in as a statement of fact unless we are allowed to put in the same thing as to the particular companies. I think we should have the figures as to those particular companies that make up that aggregate.

Then this followed:

Mr. HARDY. Do you think it would be more important to the foreign competitor to have the details of that statement than to have the aggregate?

Then followed further discussion of the subject, the point being made that it would be information to competitors. Finally Mr. HARDY said:

Mr. HARDY. Unless the Shipping Board furnishes the details we do not know what we get.

Mr. GREENE. He states he will furnish it for the consideration of the committee.

Mr. HARDY. Under the ban, Mr. Chairman, that the committee will not make it public, and we will still be in the same shape.

* * * * * * *

Senator FLETCHER. Right on that point, I think we are entitled to know, the committee and the country, precisely what routes are established and are in operation and what service is being rendered.

Mr. LOVE. Senator, that is all here.

* * * * * * *

Mr. HARDY. And don't you think a separate analysis of this ought to be given to us, too?

Mr. DAVIS. This data just submitted here does not give anything at all about the losses or profits. It simply gives the names of allocated ships and the lines operating them, etc.

Mr. LISSNER. Well, we give you the aggregate figures on the losses and profits.

Mr. DAVIS. Oh, yes; I know.

Mr. LOVE. If you will allow me to read the headings of this statement it will answer Senator FLETCHER'S question.

* * * * * * *

Senator FLETCHER. Now, I understand the financial statement, in each instance, is to be taken up with the chairman of the Shipping Board, and we will hear from you further?

Mr. DAVIS. Do we understand, Mr. Love, that the question of submitting this financial information, profits and losses per line, is to be taken up with the Shipping Board and an answer given to the committee about that?

Mr. LISSNER. I just stated that would be done, Mr. DAVIS.

Mr. DAVIS. Senator FLETCHER asked that question and not one of you answered it.

Mr. LISSNER. What was that?

Mr. DAVIS. The question as to whether it was understood that that would be done, and I just repeated it so that some of you would catch it and respond.

Mr. LISSNER. Yes, sir; that will be taken up and an answer given.

Up to this time we have never had any answer. I have never had information to the effect that it could or could not be furnished in detail. The only definite thing about it is an intimation by Mr. Love that it would probably take until Congress adjourns before the statements could be prepared; at any rate, the information was that those statements might be furnished to the committee if Chairman Lasker permitted it, and the committee was to be advised whether they would or would not be furnished, and that was the end of that matter.

I wish to refer further to the document attached as Appendix A of the hearings, "Report on the history of shipping discriminations and on various forms of Government aid to shipping," prepared at the instance of the Shipping Board, and to a statement there which I think I omitted to mention yesterday. In the conclusions of that report to the Shipping Board by an expert on the subject, after a thorough investigation, he said:

A study of the authorities on subsidies, taking into account the policies adopted by the various countries, would seem to indicate that, with the exception of Japan, the policy has not been important in the building up of a merchant marine.

Mr. POMERENE. Who is that speaking?

Mr. FLETCHER. This is a report sent out by the Shipping Board in the first instance, prepared at their request by an expert on the subject, and subsequently it was put into the RECORD at the instance of the minority of these committees, and I understand the Shipping Board did not care to circulate it further—either suppressed it or failed to circulate it.

Mr. POMERENE. Who was the expert?

Mr. FLETCHER. The name escapes me just at the moment, but he was a professor in one of the universities in New York, whether in Columbia or New York University I am not sure. I can give the name a little later.

I have heretofore referred quite extensively to that report, but that conclusion I wanted to get into the RECORD, as I think it bears very materially on the subject.

Just one other thing with reference to the statement by Mr. Chamberlain, Commissioner of Navigation, which appears in the CONGRESSIONAL RECORD of November 28, 1922, referred to yesterday and the day before, and particularly mentioned by the Senator from Washington [Mr. JONES] as tending to show that the minority were in error in their views as to the subsidies furnished by various countries. I call attention to another statement in that table furnished by Mr. Chamberlain, of the Department of Commerce.

I showed yesterday, I think, that the total cost of the construction of the fleet by Australia should not be included under the head of subsidies, as it is included in this statement. But there appears in the statement also a list of countries providing subsidies, subventions, and the like, and the payment made by Canada is given as $10,149,944. I have before me now the budget statement just issued, giving mail subsidies and steamship subventions for Canada, and it shows that the amount to be voted for those purposes is $1,100,755.66. There is a difference of nearly $9,000,000 between the public statement by the Government of Canada, made since these figures were furnished, and the figures as given by Mr. Chamberlain. I ask to have that inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CANADA.

*Mail subsidies and steamship subventions.*

Amount to be voted, $1,100,775.66.

| Page No. | Vote No. | | 1921-22 | 1922-23 |
|---|---|---|---|---|
| | | ATLANTIC OCEAN. | | |
| 5 | 169 | Canada and Newfoundland | $35,000.00 | $35,000.00 |
| 6 | 170 | Canada, the West Indies, and South America | 340,666.66 | 340,666.00 |
| 10 | 171 | Canada and South Africa | 146,000.00 | 146,000.00 |
| | | PACIFIC OCEAN. | | |
| 13 | 172 | Canada, Australia, or New Zealand, or both (Pacific) | 130,509.00 | 130,509.00 |
| 16 | 173 | Prince Rupert and Queen Charlotte Islands | 21,000.00 | 21,000.00 |
| 17 | 174 | Victoria and San Francisco | 3,000.00 | 3,000.00 |
| 19 | 175 | Victoria, Vancouver, and Skagway | 25,000.00 | 25,000.00 |
| 20 | 176 | Victoria and west coast Vancouver Island | 15,000.00 | 15,000.00 |
| 22 | 177 | Vancouver and northern ports of British Columbia | 24,800.00 | 24,800.00 |
| 24 | 178 | Vancouver and ports on Howe Sound | 5,000.00 | 5,000.00 |
| | | LOCAL SERVICES. | | |
| 27 | 179 | Baddeck and Iona | 8,825.00 | 9,000.00 |
| 28 | 180 | Charlottetown, Pictou, and/or New Glasgow | 2,000.00 | 2,000.00 |
| 29 | 181 | Charlottetown, Victoria, and Holliday's Wharf | 3,500.00 | 3,500.00 |
| 30 | 182 | Grand Manan and the mainland | 15,000.00 | 15,000.00 |
| 31 | 183 | Halifax, Canso, and Guysboro | 7,000.00 | 7,000.00 |
| 33 | 184 | Halifax and La Have River | 6,000.00 | 6,000.00 |
| 34 | 185 | Halifax and Newfoundland via Cape Breton ports | 5,000.00 | 5,000.00 |
| 36 | 186 | Halifax and Spry Bay | 6,000.00 | 6,000.00 |
| 38 | 200 | Halifax, South Cape Breton, and Bras d'Or Lakes | 6,000.00 | 6,000.00 |
| 39 | 201 | Halifax and West Coast Cape Breton | 6,000.00 | 6,000.00 |
| | 187 | Mainland and Island of Miscou and Shippegan | | 3,300.00 |

CANADA—Continued.

*Mail subsidies and steamship subventions*—Continued.

| Page No. | Vote No. | | 1921-22 | 1922-23 |
|---|---|---|---|---|
| | | LOCAL SERVICES—continued. | | |
| 41 | 188 | Mulgrave and Canso | $13,500.00 | $13,500.00 |
| 42 | 189 | Mulgrave and Guysboro | 7,500.00 | 7,500.00 |
| 44 | 190 | Newcastle, Neguac, and Escuminac, Miramichi River and Bay | 4,000.00 | 5,000.00 |
| 45 | 191 | Pelee Island and the mainland | 8,000.00 | 11,000.00 |
| 48 | 192 | Mulgrave, Arichat, and Petit de Grat | 10,000.00 | 10,000.00 |
| 49 | 193 | Pictou, Montague, Murray Harbor, and Georgetown | 6,000.00 | 6,000.00 |
| 50 | 194 | Pictou, Mulgrave, and Cheticamp | 7,500.00 | 7,500.00 |
| 52 | 195 | Pictou, New Glasgow, and Antigonish County | 1,500.00 | 1,500.00 |
| 53 | 196 | Port Mulgrave, St. Peters, Irish Cove, and Marble Mountain | 6,500.00 | 6,500.00 |
| 54 | 197 | Pictou, Souris, and the Magdalen Islands | 24,000.00 | 24,000.00 |
| 56 | 198 | Quebec, Natashquan, and Harrington | 50,000.00 | 85,000.00 |
| 57 | 199 | Quebec, Montreal, and Paspebiac | 30,000.00 | 30,000.00 |
| | 202 | St. Catherines Bay and Tadoussac | | 2,000.90 |
| 59 | 203 | St. John and St. Andrews, N. B | 4,000.00 | 4,000.00 |
| 60 | 204 | St. John and Bridgetown | 2,000.00 | 1,500.00 |
| 61 | 205 | St. John and Digby | 10,000.00 | 15,000.00 |
| 63 | 206 | St. John, Digby, Annapolis, and Granville | 2,000.00 | 2,000.00 |
| 64 | 207 | St. John, Bay of Fundy, and Minas Basin | 8,000.00 | 8,000.00 |
| 66 | 208 | St. John, Westport, and Yarmouth | 10,000.00 | 10,000.00 |
| | 209 | St. Stephen, Deer Island, and Campobello | 2,000.00 | 2,000.00 |
| 67 | 210 | Sydney and Bay St. Lawrence | 9,000.00 | 9,000.00 |
| 69 | 211 | Sydney and Whycocomagh | 4,000.00 | 7,000.00 |
| 70 | 212 | Sydney, Bras d'Or Lake ports, and East and West Coast of Cape Breton | 14,000.00 | 14,000.00 |
| 72 | 213 | Expenses of supervision | 4,000.00 | 4,000.00 |
| | | Other appropriations for 1921-22 not required for 1922-23 | 2,000.00 | |
| | | Total | 1,050,800.66 | 1,100,775.66 |

Mr. FLETCHER. I have before me extracts from the Shipping World of November 29, 1922, referring to subsidies and subventions by Italy. It will be recalled that on yesterday I challenged with great confidence the correctness of the statement appearing here as to the subsidies paid by Italy. The concluding portion of the article is as follows:

Will Mussolini be strong enough to say to the shipbuilding interests of Italy: "You are employing your capital in modes that can not bring profit to you, and you are expecting the State to find the return that your industry can not possibly find. Close your yards, turn your machinery and plant to other purposes, as your own commercial judgment may direct, and cease to rely on the State"? Or will he relieve them of the tariff burdens and obligations to which they are subject and let them establish themselves on a basis of freedom? It needs a courageous man to take either of these steps. And Mussolini is reputed to be courageous.

This shows that whatever Italy may have done in the past in the matter of aid to her shipyards and shipping, the new administration contemplates a complete revision of the whole subject and undoubtedly intends to impose restrictions on subsidized shipping lines and shipyards and to limit appropriations very greatly in those regards.

I ask to have the article inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

ITALIAN SHIPPING.

MUSSOLINI'S TASK.

The world is watching carefully to see the results of the new experiment in the Government of Italy. Signor Mussolini, the leader of the Fascisti, has been called to office and, what is more, is actually in power, relying as he does on the sympathy and support of his fellow countrymen. It is clearly a case of a strong man being called in, or calling himself in, to cut the Gordian knots that weak and inefficient governments have been unable to untie. And outside Italy people are anxiously asking, Will he succeed?

Many difficult problems face him—problems of foreign and domestic policy which have become intensely complicated. The industrial situation is worse perhaps than in the majority of European countries. Previous Governments have attempted palliatives which have only caused more confusion, and at best have only deferred the inevitable crisis. The position in the shipyards is a case in point. These yards hold big stocks of materials bought at high prices, and without serious loss they are unable to compete with foreign shipbuilders, especially British firms. They can obtain no orders except from the State and these are insufficient to keep them going. Besides, according to a law of 1911, they are obliged to purchase 75 per cent of their materials, tools, and plant from Italian firms. For these the prices are excessive because of the prohibitive customs duties, amounting to from 600 to 1,100 lire per ton on manufactured metals and 160 lire per quintal on motors. As a result they can not fit out their works in such an economical manner as to be able to compete with foreign yards and turn out ships at a price that permits of remunerative operation. Instead of relieving them of these burdens former governments have sought to aid them by subsidies. Ships on the stocks were to be continued, and the State would pay a certain part of the cost.

But this was not facing the situation. The ships were not required, either for Italian or for foreign trade. And there were too many yards engaged in their production. Their capacity of production exceeded by 100 per cent the possibility of absorption of their output. It was next proposed that the shipbuilding firms form a consortium, which should decide which yards should continue open and which should be closed down. The yards that were to continue in work would receive the State subsidy, and out of their total proceeds would

pay compensation to the yards which had ceased to operate. This, however, was only removing the unpleasant task one degree further aloof, so that the Government might be relieved of the responsibility for performing it.

Will Mussolini be strong enough to say to the shipbuilding interests of Italy: "You are employing your capital in modes that can not bring profit to you, and you are expecting the State to find the returns that your industry can not possibly find. Close your yards, turn your machinery and plant to other purposes as your own commercial judgment may direct, and cease to rely on the State?" Or will he relieve them of the tariff burdens and obligations to which they are subject and let them establish themselves on a basis of freedom? It needs a courageous man to take either of these steps. And Mussolini is reputed to be courageous.—(From the Shipping World, November 29, 1922.)

Mr. FLETCHER. I also hold in my hand an extract from Review of the Foreign Press, in the Economic Review of December 1, 1922—note the date, December 1, 1922—containing a statement by the minister of the treasury on the Government's scheme of retrenchment and reform, which is supplemented by a communication issued from the premier's office announcing certain reform measures, among others—

Restriction of subsidized shipping lines to those which perform the services to the colonies and the islands, and reduction of the number and speed even of these during the present crisis; reduction or suppression of subsidies to lines competing with the railways and one another and plying to those ports and countries, communication with which is not absolutely essential.

This shows that the subventions and aids heretofore provided by Italy are being already revised and an entirely different policy is about to be adopted and different provisions to be made, all in conformity with the statement which Mr. Chamberlain himself made in the Commerce Reports as of December 4 when he said that there was now contemplated a possible abandonment of previous provisions as to subsidies in Italy. I ask to have the extract inserted in the RECORD without reading.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ITALY MERCANTILE MARINE.

THE PREMIER'S COMMUNICATION.

The statement by the Minister of the Treasury on the Government's scheme of retrenchment and reform is supplemented by a communication issued from the Premier's office announcing the following measures of reform to be adopted in various departments.

* * * * * * *

Restriction of subsidized shipping lines to those which perform the services to the colonies and islands and reduction of the number and speed even of these during the present crisis; reduction or suppression of subsidies to lines competing with the railways and with one another and plying to those ports and countries communication with which is not absolutely essential. Transfer without exception of State-owned lines to private enterprise, for which purpose the necessary measures will be introduced into Parliament forthwith, probably before the end of the year. Suppression of a number of harbor boards and other independent organizations connected with ports, the chief functions of which appear to be continuous demands on the Government for grants and provision for their officials.—(From Review of the Foreign Press, The Economic Review, December 1, 1922.)

Mr. FLETCHER. Mr. President, if it is agreeable to the Senator in charge of the bill and he wants an executive session, I think the time has come to take such action.

Mr. JONES of Washington. I do not think we desire an executive session to-day. If the Senator has concluded, I am willing to adjourn for the day. Before doing that, however, I would like to ask unanimous consent that when the Senate closes its business to-morrow it shall recess until 11 o'clock Monday morning.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the request of the Senator from Washington?

Mr. FLETCHER. I do not know of any objection on this side of the Chamber to the proposal. It is entirely agreeable to me personally. I think perhaps it may be a little inconvenient for some Senators to be on hand promptly at 11 o'clock. That is a pretty early hour. I wonder if the Senator would not be willing to recess from to-morrow until 12 o'clock on Monday. I am willing to agree to a recess.

Mr. JONES of Washington. I would like to have the Senate meet at 11 o'clock Monday morning. I will say that I expect to close the session to-morrow probably rather early, say about 4 o'clock.

Mr. FLETCHER. With that understanding, I shall not raise any objection.

The PRESIDING OFFICER. There being no objection to the request of the Senator from Washington, it is so ordered.

Mr. JONES of Washington. I think I should give Senators notice that I expect to press the bill a little more persistently next week than I have done this week. I think the Senate should begin to give more time to its consideration. There has been no unnecessary delay in connection with its consideration this week, but I feel that we have held it back more than we should do after this week.

Mr. RANSDELL. Mr. President, I desire to give notice that when the Senate convenes on Monday, I shall address the body on the pending bill as soon after it convenes as I can secure recognition from the Chair.

EXCESS EARNINGS OF RAILROADS.

Mr. CAPPER. Mr. President, a few days ago I submitted the resolution (S. Res. 379) calling on the Interstate Commerce Commission for certain information as to excess earnings of railroads, and I asked that the resolution lie on the table. I now ask unanimous consent that the resolution be taken up and passed.

Mr. UNDERWOOD. Let the resolution be read so that we may know what it is.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution, S. Res. 379, submitted by Mr. CAPPER December 8, 1922, was read by the Assistant Secretary as follows:

Whereas by the section numbered 15a of the interstate commerce act, which was added by the Cummins-Esch Act, the Interstate Commerce Commission, after the termination of Federal control, was required to group the railroads of the country, and to adjust rates so that an aggregate fixed percentage return, specified in said section, should be earned upon the aggregate value of all such railroads; and

Whereas it was stated in said section 15a that the rate-making provisions therein contained would enable some carriers "to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of their railway property"; and

Whereas with the purpose of recovering a part of such unreasonable excess, and of securing the use of the same for the benefit of the public in the promotion of interstate commerce, it was provided in said section that any road that should receive such excess income should hold one-half of the excess above 6 per cent upon the value of its railway property "as trustee for the United States," and that the amount so held in trust should "within the first four months following the close of the period for which such computation is made be recoverable by and paid to the commission for the purpose of establishing and maintaining a general railroad contingent fund"; and

Whereas it is now almost three years since the termination of Federal control, and it is reported that many railroads, under the rates which have been fixed through the application of the provisions of said section 15a, have earned in excess of 6 per cent upon the value of their railway property, but have failed to make report of the same to the Interstate Commerce Commission, or to pay over one-half of such excess to said commission, and in disregard of the trust created by said section, have devoted all of said excess to their own uses; and that 13 great railroad systems will increase their dividends this year; and

Whereas it is reported that none of the railroads have paid over to the commission any excess earnings under said section 15a, and that in fact all the railroads of the country which have received earnings in excess of 6 per cent have, with few exceptions, failed to pay over one-half thereof, or any part thereof, to the commission for the uses and purposes provided by said section: Therefore be it

*Resolved*, That the Interstate Commerce Commission be requested to report to the Senate the following information:

1. The "rules and regulations for the determination and recovery of the excess income," payable under section 15a, which have been prescribed by the commission.

2. The Class I railroads which have made reports to the commission as to their earnings in excess of 6 per cent; the value of its railway property claimed by each; the excess earnings admitted by each; the value of the railway property of each as found by the commission under section 15a, in each case where a tentative or a final valuation of the same has been made, and in each case where no such valuation has been made, the nearest approximation to the value which can be readily reported, according to the rules and regulations applicable for the determination thereof, prescribed by the commission; the excess earnings of each such railroad computed according to the value so found or determined; and the amount of excess earnings paid to the commission by each such carrier.

3. All other Class I railroads which, from any reports made by the same to the commission, annually, monthly, or otherwise, appear to have received in excess of 6 per cent upon the value of their railway property; the value of such property of each, found or approximately determined as aforesaid; and the excess earnings of each computed according to such value, or the nearest approximate estimate of the same which can be readily reported.

4. Each railroad other than a Class I railroad that has reported any excess earnings to the commission under section 15a; the value of the railway property of each, as claimed by it; the excess earnings admitted by it; the value of the railway property of each such railroad as found or determined by the commission as aforesaid; the excess earnings of each such railroad as computed on such value so found or determined by the commission; and the amount of excess earnings paid by each such railroad to the commission.

5. The aggregate of excess earnings which remain payable to the commission from all railroads, according to the provisions of said section 15a, as computed by the commission, or the nearest approximation or estimate thereof, which the commission can readily report; and the items which make up the aggregate, to the extent that the same have been separately computed or estimated.

6. Whether any railroad which has failed or refused to make any report as to excess earnings required by such rules or regulations as the commission may have prescribed, or to pay over one-half of such excess earnings in accordance with the provisions of said section 15a, has made any statement of its grounds or reasons for such failure or refusal; and, if so, the name of each such railroad, with a copy of such portion of such statement as sets out such grounds or reasons.

7. As to any railroad or railroads appearing to have received in trust for the United States excess earnings which remain payable to the commission, according to the provisions of said section 15a, the steps or proceedings taken or begun by the commission to enforce payment of the public moneys so unlawfully retained; and be it further

*Resolved*, That the commission be requested to make report of the information called for by the foregoing resolution not later than January 1, 1923, if the same can with reasonable diligence be prepared for transmittal before that date; and if the same can not all be so prepared by that date, that it then make report of all information which can be at that time transmitted, and that it make a supplemental report as soon thereafter as may be practicable, completing the information called for.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the resolution be taken from the table and that the Senate proceed to its consideration. Is there objection?

Mr. JONES of Washington. For the purpose of considering the resolution, I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Is there objection to the request of the Senator from Kansas?

Mr. UNDERWOOD. Mr. President, the Senator from Kansas is calling for some information. It would be very useful information. It is information that I personally would like to have, because I was interested in the workings of the proposition limiting the earnings of the great railroads of the country and establishing this fund. But I notice that the Senator in his resolution calls on the Interstate Commerce Commission to report on the final valuation or the tentative valuation, one or the other, of the railroads of the country.

To make a report of that kind I imagine would take a great many clerks and involve a great deal of work. I would be glad to hear what the Senator has to say on the subject. He may have better information as to what it would require. I am referring to the mere clerical work of reporting the value of the railroads. Of course, that work is not finished, and when it is finished it will be a very elaborate report. I am not saying this with any desire to oppose the Senator in getting the information, but I am not sure that he can get the information without securing an additional appropriation for the Interstate Commerce Commission.

Mr. CAPPER. Mr. President, I think the Senator from Alabama has a rather exaggerated idea of the work which would be entailed upon the Interstate Commerce Commission in preparing the report. I think the resolution clearly states that only such information is asked for as the commission have or which is readily obtainable and which they can forward to the Senate without any great amount of work.

Mr. UNDERWOOD. Of course I do not belong to the majority party; I am not responsible for the expenditures of the Government; and if the majority party thinks it is necessary to entail this expenditure it is not for me to object; but I wish to call the Senator's attention to the information which is asked for by the resolution and see if he can give me some opinion as to the cost which it is going to entail. In the second clause of the resolution it asks for information concerning—

The Class I railroads which have made reports to the commission as to their earnings in excess of 6 per cent.

That ought not to occupy many pages. Then the resolution asks for information as to—

the value of its railway property claimed by each; the excess earnings admitted by each.

When the Senator uses the word "each" in that connection I assume he refers to the railroads, and there are many railroads in the United States.

The resolution also requests information as to—

the value of the railway property of each as found by the commission under section 15a, in each case where a tentative or a final valuation of the same has been made and in each case where no such valuation has been made—

And so on.

If the Senator from Kansas does not think that the resolution, if passed, will require a vast deal of labor on the part of the Interstate Commerce Commission in order to make the report which it calls for, I shall not have the slightest objection to his getting the information.

Mr. CAPPER. Mr. President, I made some inquiry as to the work which would be involved in preparing the information called for by the resolution, and I have reason now to believe that it will not be a great undertaking and that the information asked for is readily obtainable.

Mr. UNDERWOOD. If that be so, I shall not object to the resolution.

Mr. CAPPER. I agree with the Senator from Alabama that it is not desirable to go to a great expense in securing the information asked for by the resolution, but I think it is all now available to the Interstate Commerce Commission and may be obtained without any difficulty.

Mr. UNDERWOOD. If the Senator's opinion is that the information is available and obtaining it will not involve a great charge to the Government, I shall not object to the resolution.

Mr. CAPPER. I feel sure of it.

Mr. UNDERWOOD. But from the language of the resolution I was apprehensive it would require a considerable expenditure of money on the part of the Interstate Commerce Commission to assemble the data with which to answer the Senator's inquiries.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. TRAMMELL. I send to the desk an amendment to come in following the last clause of the resolution.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 5, after line 2, it is proposed to add:

8. That the commission report the amount of the value of each of the railroads in each State, respectively.

Mr. TRAMMELL. Mr. President, I agree with the author of the resolution that it is a very wise resolution. In my opinion, the information called for is very necessary. If there is one calamity more than another with which the country has been afflicted during the last two or three years it has been that of excessive freight rates. That is particularly true in my section of the country and in my State. I understand that under the law pertaining to the valuation of the property of railroads such valuation is required to be given not only in the aggregate for each system but to be segregated as to States. Such information could be utilized by the State commissions for the purpose of regulating freight rates within the State.

I hurriedly prepared the amendment which I have sent to the desk as an additional section of the resolution, but I am seeking to ascertain whether or not the Interstate Commerce Commission has complied with the provision of the law that the valuation of the railroads shall be determined and stated within the States respectively. I should very much like to have that information. I have heard that the data as to valuation have not been compiled upon that basis. If they have not, I should like to know why not, and if they have, I should like to have the information.

In my State freight rates are very excessive; they are unreasonable; and, except when those who consume our products pay for them what may almost be termed exorbitant prices, the producers of my State can not earn sufficient upon which to defray the expenses involved in maintaining their groves and their farms. I want to secure any information that may assist in bringing about a freight rate reduction.

Mr. JONES of Washington. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. JONES of Washington. I ask whether or not the Senator's amendment would require the Interstate Commerce Commission to ascertain the value of any railroad regarding which they have no available data?

Mr. TRAMMELL. I do not think it would do that.

Mr. JONES of Washington. It seems to me the amendment is very broad in its terms.

Mr. TRAMMELL. It merely asks for the information set forth.

Mr. JONES of Washington. If the information is not available, then would they be required under the amendment to go ahead and secure it?

Mr. TRAMMELL. I do not think the amendment would require them to do that.

Mr. JONES of Washington. That is not the Senator's intention?

Mr. TRAMMELL. No; I do not intend that shall be done; but it is my understanding that the law at present requires the commission to collect the information suggested by my amendment. I have understood, however, that the data have not been compiled strictly within the provisions of the law.

Mr. JONES of Washington. We have a law, of course, providing for the valuation of the railroads, but I do not know whether the work has been completed or not. The Senator from Wisconsin [Mr. LENROOT] advises me that it has not been completed. Therefore, if it has not been completed, possibly the information which the Senator desires would not be avail-

able. I think the amendment should be modified in some way so as to call for the information only in case it is available.

Mr. TRAMMELL. The commission may report to the effect that the information is not available. The resolution itself provides that they shall report by January 1, 1923, such of the information called for as they possess. The amendment would not require the commission to submit a report as to information not now available to them.

Mr. JONES of Washington. I thought the language of the Senator's amendment was very broad.

Mr. CAPPER. Mr. President, the language of the Senator's amendment is, I think, out of line with the provisions of the original resolution. It is made clear in the resolution that we desire only such information as is readily obtainable.

Mr. TRAMMELL. I will amend my amendment, then, so as to provide that the commission shall furnish the information requested if it be available.

Mr. LENROOT. Mr. President, of course, while the information might be available, it might require several months' work to compile it and submit it in the shape of a report. I suggest that there be added to the amendment the words "so far as the same has been compiled."

Mr. TRAMMELL. Very well, that is satisfactory to me. I wish to have the subject developed. If the commission are not complying with the law in regard to the matter of having the valuations segregated according to States, so that one State will not be required to pay excessive rates for the purpose of building up railroad systems in other localities, I wish to know it. Then we can go into the subject as to why they do not comply with the law on that question.

Mr. CAPPER. Mr. President, the amendment offered by the Senator from Florida, with the suggestion made by the Senator from Wisconsin, is satisfactory to me.

Mr. TRAMMELL. Very well; let the words "so far as the same has been compiled" be added to my amendment.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Without objection, the amendment proposed by the Senator from Florida as modified will be agreed to. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Without objection, the preamble will be agreed to.

SALARIES OF APPOINTED AND ELECTED SENATORS.

Mr. SPENCER. From the Committee on Privileges and Elections, I report back favorably without amendment the joint resolution (S. J. Res. 248) to provide for the payment of salaries of Senators appointed to fill vacancies, and for other purposes. I ask that the joint resolution may be read, and, if there be no objection, I shall then ask unanimous consent for its present consideration. I do not think there will be any objection to the joint resolution.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Assistant Secretary read the joint resolution, as follows:

*Resolved, etc.*, That salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill vacancies in the Senate shall commence on the day they qualify.

Mr. SPENCER. I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. UNDERWOOD. Mr. President, I wish to say that I think the joint resolution ought to pass. It is a very important measure, and its importance might warrant a full Senate; but some days ago it was fully discussed in the Senate, and at that time there was no indication that there was any opposition to it from any source. Therefore I make no objection to the resolution being considered at this time of the evening.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY SENATOR STERLING.

Mr. NORBECK. Mr. President, I have before me a copy of an address on the subject of the constitutional and political significance of Federal legislation on education delivered by my colleague [Mr. STERLING] before a conference on the relation of the Federal Government to education held at the University of Illinois on December 1 and 2 of last year. In view of the interest in this subject and the important bearing it has on pending legislation, I ask that the address may be printed in the RECORD in 8-point type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

CONSTITUTIONAL AND POLITICAL SIGNIFICANCE OF FEDERAL LEGISLATION ON EDUCATION.

Delivered at a conference on the relation of the Federal Government to education, held at the University of Illinois, December 1 and 2, 1921, by THOMAS STERLING, United States Senator from South Dakota.

In speaking to you on the subject assigned, namely, "Constitutional and Political Significance of Federal Legislation on Education," I should, perhaps, say a word for the purpose of clarifying the theme itself. By the "constitutional significance," I understand is meant the bearing, if any, the Constitution of the United States may have in the way of either permitting or preventing any legislation by Congress for the purpose of controlling or promoting education.

By "political significance," I understand is meant the bearing such legislation may have on the relations of the individual citizen to the State or the Federal Government, including its bearing on the social and political life and ideals of the people.

While in our day education is an all-absorbing and practical source of effort and desire, we search the Constitution of the United States in vain for the word "education." It is, in this respect, a barren field. So far as we know, no proposal in the interests of education was brought before the convention of 1787 save one, by James Madison, which would have given Congress the power—

"To establish seminaries for the promotion of the arts and sciences.

"To establish public institutions, rewards, and immunities for the promotion of agriculture, commerce, trade, and manufacture."

It appears that the proposal was not discussed by the convention except that one member expressed the view that it was not necessary to grant such power to Congress, as "the exclusive power at the seat of Government will reach the object."

We read the specifically enumerated powers of Congress contained in section 8 of Article I of the Constitution, beginning with the power "to lay and collect taxes, duties, imposts, and excises, etc.," and ending with the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, etc.," and find no authority, expressed or to be implied, in this grant of powers for congressional action in directing, controlling, or promoting the education of the people. The nearest approach to the subject is found in that clause which confers upon Congress the power—

"To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries"—

the constitutional warrant, of course, for our copyright and patent laws, but never thought of by the most liberal constructionists as affording ground for Federal interest in or control of education.

To come to the point, the powers of Congress under the Constitution are delegated powers. By the terms of Article X—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

The power to direct or control education is not delegated to the United States—that is, not delegated to the Federal Government acting through either the legislative or executive branches thereof. It is not a power prohibited to the States, and is, therefore, a power reserved to the States or to the people.

The various grants of power are in the most concise terms possible. In many cases they have been apparently extended by judicial interpretation, or by what the criticis would more harshly term "judicial legislation." The framers of the interstate commerce clause of the Constitution, giving Congress the power to regulate commerce with foreign nations and among the several States, could hardly have dreamed of those new conditions and that more complex society which have invited or demanded the frequent application of the right of Congress to regulate commerce among the several States of the Union. It is in this sense, rather by judicial legislation, that the powers of Congress seem to have been extended.

Likewise, the power to establish post offices and post roads is couched in so many words, but as a result we have the Postal System, which is the marvel of the world. Moreover, rural and city free delivery; the parcel post; the exclusion from the mails of certain matter regarded as dangerous to the morals, health, and peace of society; the appropriation of more than $300,000,000 of Federal money since 1916 to aid the States in the construction of roads, have followed as a consequence of this apparently limited grant of power.

Of course, with each new exercise or application of the power has come the cry of unconstitutionality, or centralization, of paternalism; but, recognizing new conditions and new needs, the highest judicial tribunal has for the most part sustained the legislation enacted in pursuance thereof, and the

people have come to realize that there has been no usurpation and no infringement upon the principles or spirit of true democracy.

But in the cases I have cited there is the ultimate power found in the language of the Constitution. In the matter of education there is no such obvious starting point. Is there anything at all on which to build?

There is little question but that the desire for the general welfare has been the animating cause for much of the legislation assumed to be in pursuance of a power under the Constitution, and that it has been a factor also in judicial interpretation.

To what extent may the general welfare be the ground of congressional action where no express power whatever concerning the particular subject is conferred upon Congress?

The general welfare is twice mentioned in the Constitution. First, in the preamble, where to "promote the general welfare" is named as one of the objects for which the Constitution is ordained and established; and secondly, in section 8 of Article I, where, among objects for which Congress may collect taxes, is the one to "provide for the general welfare of the United States."

To what extent may Federal legislation relating to education be built on these two?

As a background to some conclusions reached, let it be observed that the omissions of the Constitution do not reflect the attitude of the fathers of the Republic in regard to education, although considering the fact that so many of these were educated men with their traditional belief in the diffusion of education among the people, and that it must be counted on as the very corner stone of free government, the wonder to the superficial observer at least is that their beliefs did not find some expression in the fundamental law.

But now, in the light of our wonderful history, with our better understanding of all the forces and factors that have entered into the problem, I am convinced that if the founders of the Constitution did not "build more wisely than they knew," they builded more wisely than many who came after them have known. For it was a new and as they hoped permanent Federal Government they were constructing, and that, too, out of States most sensitive as to their prerogatives. Few, indeed, were the interests which they were willing to yield to the control of a central power, and thus education, like a hundred other interests, was left to the initiative and control of the local community or of the State.

I think for those what we might term "formative days" it was better so. Out of the knowledge of the people of the several States of their own particular conditions and needs, out of State pride and a spirit of emulation, and out of the dependence of the State upon its own educational resources came that State initiative, development and strength which contributed more to the strength of the whole than if from the beginning there had been reliance on the central Government for controlling and directing aid in the maintenance of their several school systems.

Back of it all, however, was the American spirit in education. It had been manifested in many ways—by the admonition of individual leaders; by the action of legislative and governing bodies; by the quick response of the people to every proposition to widen the field or raise higher the standard of education. Let me recall a few of these:

The ordinance of the Continental Congress of 1785 gave the sixteenth section in every township for educational purposes, this out of lands ceded by the original States to the United States.

The celebrated ordinance of 1787, for the government of the Northwest Territory, contained the declaration:

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

From the year 1803 to the year 1846, inclusive, 12 States had received the sixteenth section as an endowment for public schools, either out of the lands ceded by the States to the United States or out of the Louisiana Purchase, the total being 10,919,586 acres.

From the year 1850 to the year 1875, inclusive, 15 States received sections 16 and 36 out of every township belonging to the public domain for common-school purposes, or a total of 52,869,872 acres.

Certain of the original 13 States gave of their own State-owned lands for school purposes.

The munificent endowments of land for the purpose of general education rest for their authority on that part of section 3 of Article IV of the Constitution which gives Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," and Congress thus empowered could not have more nearly reflected the American genius or have better served the general welfare than it did in rendering this aid to education.

Aside from the strong religious motive which prompted much of the early colonial effort in the establishment of schools, these acts of Congress harmonized with what from the earliest times in our history has been the general American ideal.

Washington, as we know, cherished the idea of a national university. He made some provision for it in his last will and testament. From that remarkable document I quote these significant words. They have a bearing upon the scope and purpose of present congressional effort:

"For these reasons it has been my ardent wish to see a plan devised on a liberal scale which would have a tendency to spread systematic ideas through all parts of this rising Empire, thereby to do away with local attachments and State prejudices as far as things would or, indeed, ought to admit from our national councils."

The words, too, of his farewell address will be as appropriate down to our remotest posterity as when first uttered:

"Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of Government gives force to public opinion, it is essential that public opinion should be enlightened."

Thus both the will and testament and the farewell address state in a broad way the political significance of Federal legislation on education. Local attachments and State prejudices should yield to those systematic ideas through which men comprehend not merely local or special interests and institutions but the national welfare, and it goes without saying that in the last analysis it is public opinion in this country that governs, and in order to govern aright, it must be an enlightened public opinion.

Now we come to a new era and a new form of Government grant. It is not one in aid of the common schools or of education generally, but for institutions of a new type where, in the language of the grant—

"The leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the several States shall prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

The Morrill Act of 1862 was approved by President Lincoln after it had been vetoed by President Buchanan on the grounds that it was both inexpedient and unconstitutional. I do not think the constitutionality of that act has ever been questioned in any judicial proceeding. It has been characterized as "probably the most important single specific enactment ever made in the interest of education. * * * It expresses the final emancipation from formed traditional and aristocratic ideas." It recognizes the democracy of education.

This great State of Illinois was one of the first beneficiaries of the Morrill Act, and this, one of the most prosperous of our State universities, was established as the "Illinois Industrial University," by aid of the land scrip which the act authorized. It has been said that you have dropped the "industrial," but from all accounts you retain the industry.

But this was only a beginning. It is followed by the Hatch Act of 1887, which gives money, $15,000 a year, the proceeds of the sale of public lands, but not lands, to each State for an agricultural and experiment station. This amount is doubled by the Adams Act of 1906.

The second Morrill Act, that of 1880, gives as a further endowment to the agricultural colleges $15,000 a year to be increased by $1,000 a year until a total of $25,000 is reached.

And now comes the recognition of a new principle. It is found in the third Morrill Act. Senator Morrill foresaw the day when, with the decrease in the available public lands, there must necessarily be a decrease in the funds to be derived from the sale for apportionment among the several States, and so he provided that any deficiency arising from such sales should be made good from any funds in the National Treasury not otherwise appropriated.

We have crossed the line; we have set the precedent. If it were ever doubted whether the words "or other property" in that paragraph of Article IV of the Constitution, which gives to Congress "the power to make all needful rules and regulations respecting the territory 'or other property' of the United States," could be construed to include money, the doubt was in effect removed by the third Morrill Act. We did it. Not to my knowledge has the constitutionality of this act ever been questioned in any judicial proceeding.

The enactment successively of the agricultural extension act of 1914, the vocational education act of 1917, the maternity

act of 1921—all educational, all now acquiesced in, and as I believe, all rejoiced in—have given such strong legislative construction as to what Congress may do in the laying of taxes and the granting of money for the public welfare, that there is now no danger that the power will ever again be called in question.

But there is one more step. It must be taken if we keep pace with the growing American spirit in education. From the political standpoint it is of the utmost significance. Professor Bryce, in his American Commonwealth, third edition, 1895, after speaking of the Americans as an educated people compared with the whole mass of the population in any European country, except Switzerland, parts of Germany, Norway, Iceland, and Scotland, says parenthetically:

"I speak, of course, of the native Americans, excluding Negroes and recent immigrants."

And then he goes on further to say:

"The instruction received in the common schools and from the newspapers and supposed to be developed by the practice of primaries and conventions, while it makes the voter deem himself capable of governing does not fit him to weigh the real merits of his statesmen, to discern the true grounds on which questions ought to be decided, to note the drift of events and discover the direction in which parties are being carried."

Taking the two passages together with what he says by way of parenthesis in regard to the inclusion of native Americans and the exclusion of "recent immigrants," from his estimate we can readily discover our new need for legislation that will insure further aid and encouragement out of the national resources.

If when Viscount Bryce wrote these passages the recent "immigrant element" would have lowered the general high standard of American literacy, by how much more would it have done so a quarter of a century later, considering the swarms that have come to our shores within that period and the parts of Europe from which they have come.

A brief survey suggests these inquiries:

Is there need that these numerous alien elements, representing every variety of political, economic, or social creed, or without any creed at all, should be quickly assimilated and brought into harmony with our ideals of free Government?

Visit Ellis Island, the great immigrant port of entry for the United States, or the great industries—steel or cotton or coal—or the little Greece, or Italy, or Poland, or Russia, or Rumania, or the big ghetto, as you will find them in the big cities of our country, and tell me how long you think it will take and by what available processes or facilities the task will be accomplished?

Does this present a national problem? Is there need that the General Government aid in encouraging the States in extending the field and increasing their educational facilities?

Let the United States Army and the selective-service records made during the late war, with their astonishing if not alarming story of illiteracy and physical unfitness, answer the question.

Would you know to what classes and to what degree of ignorance and illiteracy the men who advocate the overthrow of government or the accomplishment of industrial revolution by force and violence make their most successful appeal? The records of the courts, State and Federal, will tell part of the story. The Immigration Bureau at Washington and the Bureau of Investigation of the Department of Justice can add to the information, but those to whom such appeal is made are numbered by the million.

Can the Nation ignore this menace to its peace and good order by failure to do its part in providing means of education and Americanization?

Again, is it not a matter of national concern that the opportunities, especially for primary and rural school education, should be increased and equalized so that the children of America, whether they live in Massachusetts or in Texas, in densely or sparsely settled communities, shall have equal chances to obtain a common-school education and learn the fundamentals of good citizenship?

These are all national problems thrust upon us as the natural and logical result of our national policies and of our growth from the simpler needs which the community or the State could perhaps at one time supply to a nation-wide and complex social and political condition. These problems must have national sympathy and cooperation for their proper solution.

Let it be remembered that all these classes which I have just mentioned, un-American in spirit and sympathy as many of them are, are yet citizens or potential citizens, not of the State alone in which they reside but of the United States. They can not be Americanized out of hand overnight; Americanization involves education, and that takes time, skill, and fit instrumentalities. Let us not forget that the citizenship of every man, woman, and child, if they have citizenship at all, is a dual citizenship, one a citizenship of the State, one of the Nation, and each is the source of its peculiar rights and obligations.

It is no less imperative that the citizen respond to the call to perform his national duty than it is that he perform his duty to the State. More and more and sometimes in spite of ourselves do we recognize the all-pervasiveness of national interest and policies, and more and more do we share in the national consciousness. The Nation then is interested in the moral, educational, and political equipment of its citizenship. To refer again to the language of Mr. Bryce: The Nation even more than the State is interested in knowing that the voter is "fit to weigh the real merits of statesmen, to discern the true grounds on which questions ought to be decided, to note the drift of events, and discover the direction in which parties are being carried."

So, as it seems to me, viewed from the national standpoint, the political significance of Federal aid in education can no longer be open to conjecture. Further, that the aid thus far given in lands or in money has resulted in promotion of the general welfare there can be little doubt. But there are present-day exigencies not within the scope of existing legislation to aid in meeting which is, in my judgment, the imperative duty of the General Government. They can not be met by a submerged and unrelated bureau in the Department of the Interior, empowered to gather and distribute statistical information; nor can they be adequately met by Federal contributions only for specific objects to be matched by equal contributions on the part of the States accepting them. The vital importance of the subject, its intimate relation to the well-being and safety of the people—and this is the highest law—as well as the dignity of the subject, all combine to urge as the next great step the creation of a department of education, with its secretary a member of the President's Cabinet, whose proper function it shall be not alone to administer funds apportioned to the States, important though this may be, but through investigation and research to cover the whole field of our educational resources and needs; and which, without dictation, without ignoring State plans or encroaching upon the freedom of State initiative, shall from its higher vantage ground encourage, stimulate, and lead in every constitutional cooperative educational enterprise that will enhance the general welfare.

### THE MERCHANT MARINE.

Mr. JONES of Washington. I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

### ADJOURNMENT.

Mr. JONES of Washington. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 16, 1922, at 12 o'clock meridian.

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## HOUSE OF REPRESENTATIVES.

FRIDAY, *December 15, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, Thou dost reveal Thyself unto us as a heavenly Father on earth, full of compassion and plenteous in mercy. We humble ourselves in Thy presence, for we are conscious of our unworthiness. Let Thy will and work appear unto us, and may this day be what it ought to be. Enable us to see with full understanding that our high office is to render a most helpful part in the service of our country. Whether the lessons of our own lives be easy or difficult, may we accept them cheerfully, for perfection lies this way. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4032. An act granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and

approaches thereto across the Kankakee River in the county of Kankakee, State of Illinois, between section 5, township 30 north, and section 32, township 31 north, range 13 east of the third principal meridian;

S. 4033. An act granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River in the county of Kankakee, State of Illinois, between section 6, township 30 north, and section 31, township 31 north, range 12 east of the third principal meridian;

S. 4069. An act to authorize the construction of a railroad bridge across the Colorado River near Yuma, Ariz.; and

S. 4031. An act to authorize the construction of a bridge across the Little Calumet River in Cook County, State of Illinois, at or near the village of Riverdale, in said county.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 408) authorizing payment of the salaries of the officers and employees of Congress for December, 1922, on the 20th day of that month.

The message also announced that the Senate had passed with amendments the bill (H. R. 13232) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes, in which the concurrence of the House of Representatives was requested.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

December 14, 1922:

H. R. 449. An act for the relief of the Cornwell Co., Saginaw, Mich.;

H. R. 6251. An act for the relief of Leo Balsam; and

H. R. 8264. An act for the relief of Thomas B. Smith.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the appropriation bill just returned from the Senate, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table a bill which the Clerk will report, and to disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill (H. R. 13232) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman tell us how much increase the Senate has added to this bill?

Mr. MADDEN. I do not know.

Mr. BLANTON. The gentleman has not examined it?

Mr. MADDEN. No.

Mr. BLANTON. But the gentleman is not going to agree indiscriminately?

Mr. MADDEN. We will not agree to anything that we can cut out. I will tell the gentleman that.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. HUSTED, Mr. EVANS, and Mr. TAYLOR of Colorado.

CONTESTED-ELECTION CASE—PAUL *v.* HARRISON.

Mr. DALLINGER. Mr. Speaker, I call up the report on the contested-election case of Paul *v.* Harrison, from the seventh congressional district of the State of Virginia.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. MONDELL. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

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|---|---|---|---|
| Almon | Echols | McArthur | Ryan |
| Anderson | Edmonds | McFadden | Sabath |
| Arentz | Fairchild | McKenzie | Schall |
| Bacharach | Focht | Mansfield | Shaw |
| Beedy | Freeman | Martin | Siegel |
| Bland, Ind. | Frothingham | Mead | Smith, Mich. |
| Bowers | Gallivan | Michaelson | Snell |
| Brand | Gorman | Mills | Steenerson |
| Briggs | Gould | Montague | Stiness |
| Britten | Griffin | Moore, Ill. | Sullivan |
| Burke | Hammer | Mott | Swing |
| Cantrill | Haugen | Mudd | Tague |
| Carew | Henry | O'Brien | Taylor, Ark. |
| Carter | Herrick | Ogden | Taylor, Colo. |
| Chandler, Okla. | Himes | Olpp | Taylor, Tenn |
| Clark, Fla. | Husted | Osborne | Ten Eyck |
| Classon | Hutchinson | Overstreet | Thomas |
| Codd | Jones, Pa. | Park, Ga. | Thorpe |
| Cole, Ohio | Kahn | Perlman | Tillman |
| Connolly, Pa | Kennedy | Petersen | Tincher |
| Cullen | Kindred | Purnell | Tinkham |
| Davis, Minn. | Kitchin | Radcliffe | Treadway |
| Deal | Kleczka | Rainey, Ala. | Tucker |
| Dempsey | Knight | Rainey, Ill. | Vare |
| Dominick | Kunz | Reber | Volk |
| Doughton | Langley | Roach | Wheeler |
| Drane | Layton | Robertson | Williams, Tex. |
| Drewry | Lee, Ga. | Rose | Winslow |
| Dunbar | Lee, N. Y. | Rosenbloom | Wise |
| Dunn | Luce | Rossdale | Woodruff |
| Dyer | Luhring | Rucker | Woodyard |

The SPEAKER. Three hundred and six Members have answered to their names. A quorum is present.

Mr. DALLINGER. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Massachusetts moves to dispense with further proceedings under the call. Without objection it will be so ordered.

There was no objection.

The SPEAKER. The Doorkeeper will open the doors.

Mr. DALLINGER. I move the adoption of the resolution contained in the report.

Mr. MOORE of Virginia. Mr. Speaker, I do not understand the gentleman's motion.

The SPEAKER. The gentleman from Massachusetts moves the adoption of a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That Thomas W. Harrison was not elected a Member of the House of Representatives from the seventh congressional district of the State of Virginia in this Congress and is not entitled to retain a seat herein.

*Resolved*, That John Paul was duly elected a Member of the House of Representatives from the seventh congressional district of the State of Virginia in this Congress and is entitled to a seat herein.

Mr. MOORE of Virginia. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts [Mr. DALLINGER] has the floor.

Mr. MOORE of Virginia. I wish to submit a point of order against the consideration of the resolution.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Virginia. Mr. Speaker, the proposition which I wish to discuss very briefly is this: That what purports to be a report bringing this resolution before the House is not in fact a report and can not be considered as such; that therefore the resolution itself is not before the House for consideration.

The SPEAKER. Will the gentleman state the grounds for his point of order?

Mr. MOORE of Virginia. Mr. Speaker, I will indicate exactly what is in my mind. I will endeavor to present the matter very briefly, but I hope clearly.

This case was referred to the committee, of which the gentleman from Massachusetts [Mr. DALLINGER] is chairman, early during the present Congress, with instructions to investigate and report. The committee did investigate. The committee formulated and agreed upon a report, and a report was directed to be presented to the House. It was presented to the House on the 14th of June of this year. It was received by the House, and ordered to be placed upon the calendar and to be printed. That report was never printed as required by the rules, and has not been printed as required by the rules up to this time, and has not been distributed among the Members of the House as contemplated by the rules.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. If the gentleman will pardon me just a minute, I want to make a consecutive statement. The report was sent to the Government Printing Office. It was placed in type and the proof was turned over to the chairman of the committee. That document, thus dealt with, is the

only report that has ever been brought into this House within the meaning of the rule. When the chairman received the proof he undertook to change the report. He changed it elaborately; he changed it substantially and materially. For example, the report having declared that certain precincts should not be counted but disregarded altogether, the chairman changed that feature of the report and varied the number of precincts to be treated in that way. The chairman went further and added two independent important sections, something like three to five hundred words, in which he embodied calculations as to what would occur in the result on this or that hypothesis. That paper was substituted for the original paper and without any permission from the House. That paper went to the Government Printing Office and was printed and distributed, and that is what purports to be the report of the committee that is before us now.

The minority members of the committee in presenting their views spoke of that report, and it is called "the alleged report." That was an intimation to the gentleman from Massachusetts that it would be attacked as not being a report.

The SPEAKER. Is that the only intimation that was given?

Mr. MOORE of Virginia. The only one of which I have any knowledge. Upon that intimation the gentleman from Massachusetts called his committee together again, and that committee proceeded to give its approval to this second paper, which is now designated as a report. That action was taken without the authority of this House.

There was an original reference to the committee of the case and there was never any subsequent reference, and the central suggestion I wish to submit is that when the committee presented here the first paper that was agreed upon it exhausted its authority. Thereafter the Committee on Elections was powerless to go a step further. That would seem to be the view based upon common sense. If that is not a correct view, then this House is under the control of a committee, however arbitrarily it may choose to act.

The SPEAKER. The gentleman need not argue that any further, for the Chair is inclined to agree with the gentleman, unless there is something to the contrary.

Mr. MOORE of Virgnia. I was about to say that that is the general law and is the view supported by the only precedents I have been able to find.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MOORE of Virginia. Certainly.

Mr. SANDERS of Indiana. I have not ascertained exactly what the gentleman's point of order is.

The SPEAKER. Assuming that that is true, how is this resolution out of order?

Mr. MOORE of Virginia. Because I understand the case that has been referred for investigation and report is not before the House until there is a report on it for distribution. The case has been reported, but the report has been handled in such a manner by the committee that it can not be considered here.

The SPEAKER. How does that make the proposition before the House out of order?

Mr. MOORE of Virginia. The proposition before the House is the resolution that comes here only in a report.

The SPEAKER. The committee has reported, according to the gentleman's statement, and why is not the resolution before the House?

Mr. MOORE of Virginia. But that is not the report.

The SPEAKER. Does the fact that a proper report was not printed make the resolution out of order?

Mr. MOORE of Virginia. I should say so.

The SPEAKER. The Chair will hear arguments upon that point.

Mr. MOORE of Virginia. Otherwise the report goes for nothing. Suppose we were talking of an alleged, but not in fact, report of the Ways and Means Committee bringing in a tariff bill. Could the mere schedules be taken up for consideration?

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. SANDERS of Indiana. The gentleman's point of order is that the resolution is not up for consideration because it has not been printed?

Mr. MOORE of Virginia. The case is not up for consideration because the case was originally referred to the committee for investigation and report, and the committee has not made a report. The thing that is tagged by the name of a report is not a report of the committee and does not respond to the reference.

Mr. SANDERS of Indiana. The gentleman knows that the chairman of the Elections Committee presented a report which was filed——

Mr. MOORE of Virginia. The gentleman fails to understand the point I make. There was a report to the House made on June 14, and it was put upon the calendar and ordered printed. It has not been printed, and the case is therefore not here for consideration.

Mr. SANDERS of Indiana. Because it has not been printed?

Mr. MOORE of Virginia. Because it has not been printed and another and materially different thing has been adopted by the committee.

Mr. SANDERS of Indiana. That is something that occurred subsequently to the filing of the original report?

Mr. MOORE of Virginia. That is true, but the original report has not been printed. We are entitled to the report, and it is not here; it has not been printed, but another and entirely different paper has been presented.

Mr. SANDERS of Indiana. That is what I am trying to arrive at, whether the point of order is that the committee has made no report or whether the point of order is that it did make a report and that precise report has not been printed.

Mr. MOORE of Virginia. I make the point of order for the reasons I have given. Now the gentleman from Georgia [Mr. CRISP] has just called my attention to a ruling that is reported in Hinds' Precedents.

I refer to section 3117, Hinds' Precedents, volume 4:

A bill improperly reported from a committee is not entitled to its place on the calendar. On January 17, 1899, Mr. James T. McCleary, of Minnesota, made the following statement:

"It has been found that the vote by which the bill No. 10289 (a bill to provide for strengthening the public credit, for the relief of the United States Treasury, and for the amendment of the laws relating to national banking associations) was reported to the House from the Committee on Banking and Currency was not taken in due form. I am therefore authorized and directed by the committee to ask that the bill be recommitted."

The Speaker said:

"The Chair desires to say that if the vote in committee was improperly taken the bill would not be properly on the files of the House. The easiest way, therefore, to reach the matter would be to ask unanimous consent, which proposition the Chair will regard as agreed to if there be no objection, that the bill be recommitted. The Chair hears no objection."

On January 20, 1899, Mr. Marriott Brosius, of Pennsylvania, made this statement:

"I have been authorized by the Committee on Reform in the Civil Service to ask to recommit to that committee the bill (S. 3256) in reference to the civil service and appointments thereunder, which was reported to the House and went upon the calendar some time ago in an irregular manner. I ask to have it recommitted."

The bill was recommitted by unanimous consent.

The report came here in a regular manner. Then the chairman threw it overboard and brought something else here in an irregular manner. My proposition is that the only course the House can take now is to recommit the case to the committee, and that otherwise the committee is without any jurisdiction, just as it was without jurisdiction at the time when it met and agreed subsequent to June 4, 1922, that a certain paper should be presented to the House as the report of the committee.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. PARKER of New Jersey. The gentleman said something about the minority views. I find no minority views printed.

Mr. MOORE of Virginia. Oh, yes; the minority views are in this paper which contains what is called the report.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BLANTON. The point that the gentleman is making, as I understand it, is that this irregular report as appears here is not the authorized report of the committee.

Mr. MOORE of Virginia. Exactly, and that we are precluded from proceeding with the matter without a proper report, because the reference was for an investigation and report. Is it to be said, Mr. Speaker, that in considering an important matter of this sort, as to which there surely should be a report, that we are to proceed without any report?

The SPEAKER. Does the gentleman from Indiana [Mr. SANDERS] desire to be heard? The Chair will hear the gentleman briefly.

Mr. LONGWORTH. Mr. Speaker, will the gentleman from Virginia yield?

Mr. MOORE of Virginia. Yes.

Mr. LONGWORTH. Do I understand the gentleman to say that there is a definite statement in the minority report to the effect that the majority report has not been properly printed?

Mr. MOORE of Virginia. No; I did not use that term. I said that there was an intimation in the statement of the minority views to that effect because the minority views referred to this thing as the "so-called" report.

Mr. LONGWORTH. I am unable to find the statement. On what page did that appear? The minority report starts out

with a clear recognition of the fact that the majority has made a report, and bases the entire minority report upon the majority report. There is no intimation whatever that it has been improperly filed.

Mr. MOORE of Virginia. I think the gentleman from Ohio is partly right. I am now informed by members of the committee on this side that that statement does not appear in the minority views, but that the statement was made in substance to the chairman of the committee by some of the members.

Mr. LONGWORTH. That seems to me quite a different proposition.

Mr. MOORE of Virginia. But that is immaterial. That has no relation to the real issue here. The real issue is whether we are going to proceed with this contested-election case in the situation in which we find ourselves.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. SANDERS of Indiana. Mr. Speaker, I merely desire to call the attention of the Chair to the fact that the precedent cited by the gentleman is one where the matter was recommitted on a motion made in the House and not one presented to the Chair. On the gentleman's statement of the facts, this resolution is not subject to a point of order. The gentleman states that the chairman of the committee obtained recognition and filed the report of the committee, and that subsequently the committee had a meeting and took some action with reference to some printed report. Of course, all that is necessary is the filing of the report by the committee. That has been done, and whether it is a proper report it is not for the Chair, under the precedents, and it was not held to be for the Chair in the instance cited by the gentleman from Virginia, because the matter was submitted to the House, and all of the precedents are to the effect that the question of the sufficiency of the report is a matter for the House. I asked the gentleman from Virginia just what his point of order is. When it is all sifted down, the point of order of the gentleman from Virginia is that this is not properly up for consideration because some changes were made in the printed report before the House, which is in substance a point of order that it is not properly up for consideration because it is not printed. There is not anything in the rules that requires the printing of a report before it is considered by the House.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GARRETT of Tennessee. When the committee made the original report, assuming the facts to be as stated by the gentleman from Virginia, its jurisdiction over the subject matter passed.

Mr. SANDERS of Indiana. Certainly.

Mr. GARRETT of Tennessee. That being the case, that report having been ordered to the calendar, if it was changed, that which is now before us can not be the report, can it, because the committee at the time it acted the second time had no jurisdiction to act, the case not having been rereferred?

Mr. SANDERS of Indiana. The report that was filed by the committee is the report that is before the House, and the resolution that was offered this morning by the gentleman from Massachusetts is the resolution that is now before the House. The gentleman from Virginia says that that particular resolution was made in the original report.

Mr. CRISP. Mr. Speaker, I desire to call your attention to one or two matters very briefly. I know nothing about the facts of the controversy but they seem to be conceded to be as stated by the gentleman from Virginia [Mr. MOORE]. In Jefferson's Manual, section 400, it is provided:

A committee meets when and where they please, if the House has not ordered the time and place for them; but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

Section 412 of Jefferson's Manual:

The report being made, the committee is dissolved and can act no more without a new power.

The SPEAKER. That does not apply to a standing committee.

Mr. CRISP. I think it would, and I think the Speaker, in his intimation to the gentleman from Virginia, said when a standing committee reported on a subject matter intrusted to it then their jurisdiction over that matter ceased unless recommitted——

The SPEAKER. The Chair agrees to that.

Mr. CRISP. Then I will not further argue that proposition. Now, as to the suggestion of the gentleman from Indiana [Mr. SANDERS] that the report of a committee is not required to be printed, I call the attention of the Speaker to section 803 of the manual, which is clause 2 of rule 18:

And all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. CRISP. I will.

Mr. SANDERS of Indiana. There is nothing that requires the report to be printed before.

Mr. CRISP. It means when it is reported; when a bill is reported it is turned over to the bill clerk and takes the regular course and is printed and goes on the calendar. I do not want to be tedious but simply desired to give the Speaker the benefit of these two rules before the Speaker rules. It is conceded that this report was changed after it was agreed to by the committee. Under the section cited the chairman and no one else could add to or change the report as agreed to in committee actually assembled. That was done in this case. That being true it seems to me under section 3117, volume 4, Hinds' Precedents, that the report being improperly made and the matter improperly before the House, that this matter is not regularly and legally before the House.

Mr. MONDELL. Mr. Speaker, in substance the point of order is that the report as made was not printed, has not been printed. I am of the opinion there is nothing in the rule that requires a report shall be printed before the consideration of the measure. The report was made, there is no question about that, and therefore the matter is before the House. But, Mr. Speaker, this whole matter is proceeding, as I understand it, on a misunderstanding of the facts. I understand that the report now before us which the House has had printed is exactly the report read to the committee, passed on by the committee, and presented by the chairman to the House.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MONDELL. No; I can not yield now.

Mr. HUDSPETH. I want to give the facts. The gentleman is not stating the facts as they occurred in the committee.

Mr. MONDELL. The gentleman can bring that out.

Mr. HUDSPETH. All right.

Mr. MONDELL. The only change made after the first printing was made to correct mistakes made by the printer.

Mr. MOORE of Virginia. The gentleman is absolutely mistaken.

Mr. MONDELL. Mr. Speaker, can I make my statement?

Mr. MOORE of Virginia. I beg the gentleman's pardon.

Mr. MONDELL. The chairman of the committee, the gentleman from Massachusetts [Mr. DALLINGER] can verify my statement. I am simply stating my understanding of the case. I have a right to do that. The only changes made in the original print were, I am told, changes made in order to include in the print certain matter that was in the report as presented by the chairman of the committee and omitted, probably by mistake, by the printer, and there is nothing in the report now before the House that was not in the original report. While a statement of this fact is not necessary to the decision of the point of order, I think it best that the fact be stated. I understand the facts of the case are as I have stated, and the chairman of the committee can state whether this is so or not.

The SPEAKER. The Chair is ready to rule. The statement just made by the gentleman from Wyoming [Mr. MONDELL], of course, puts a new aspect upon the case, but it is not necessary for the Chair to rule upon the discrepancy of fact. The Chair, to save time, is ready to assume that the facts are as stated by the gentleman from Virginia.

Mr. HUDSPETH. I will state, if the Chair will permit, those are not the facts—oh, yes; they are as stated by the gentleman from Virginia.

The SPEAKER. The Chair does not wish, when there is a difference of opinion as to the facts, to pass upon the credibility of the witnesses or upon who is mistaken, so the Chair will assume the facts are as stated by the gentleman from Virginia. If that is true, it is clear that the committee which had jurisdiction to report this resolution, which the gentleman from Massachusetts calls up, reported it.

The report was submitted to the House and this resolution went upon the calendar, having been reported by the committee. That put it in the care of the House. The Chair thinks that the gentleman from Virginia is correct in arguing that the committee's authority was then exhausted and the committee could not then make a new report without having the matter again referred to it by the House. But it does not follow, it seems to the Chair, that a point of order can be made against consideration of the resolution because the provision of the

rule which requires the report shall be printed was not carried out. It is undoubtedly desirable for the convenience of Members that they shall have sufficient copies of the report at the time the matter comes before the House.

In this case the Chair will assume that this report, which is before the House, was not the same report that the committee made. But, of course, no harm has ensued to anybody. A full report is simply the argument of the committee. This is the report which the minority had before them and which their statement of views answered. It is the report that expressed the latest views of the committee. Apparently the committee supposed they had the right to correct and amplify their first report. As a matter of equity there could be no claim that this report should not be considered as the valid report of the committee. The only claim can be that, as a matter of strict technical law, the fact that the report which the committee first made was not printed prevents this resolution being in order.

There was here no improper vote, such as was referred to in the case in Hinds', volume 4, section 3117, cited by the gentleman from Virginia [Mr. MOORE]. The report was properly made, and this being an election case it is not even necessary that there should be any report at all to make it in order. It has been held—Hinds', third volume, section 2584—that when an election case was before the committee, and a Member in the House, without waiting for the committee to report at all, moved a resolution on that case, a resolution similar to the one that the gentleman from Massachusetts [Mr. DALLINGER] moves now, that even then, without any report from the committee, that motion was in order. Much less, then, in this case, where the committee did make a report to the House, as is admitted, does such a point of order lie against the consideration of the resolution. The Chair overrules the point of order.

Mr. DALLINGER. Mr. Speaker, I would like to ask the gentleman from Texas [Mr. HUDSPETH] if he and I can agree as to the allotment of time. The other day I had a talk with the gentleman from Texas in regard to this matter and he said finally that he wanted three hours for his side, and I agreed tentatively with him, subject to the approval of the House, that we should have three hours on a side, provided we could meet at 11 o'clock so that we could have a vote before dinner. At my suggestion the leader on this side yesterday made a request that when the House adjourned yesterday it should adjourn to meet at 11 o'clock to-day. When this request was made, however, objection was made on that side of the House. I told the gentleman from Texas that if such objection were made we could not have as long a time as three hours on a side, and inasmuch as this discussion on the point of order has consumed half an hour, besides the time occupied by the roll call on the question of no quorum raised by a gentleman on that side of the House, making an hour in all, I now ask unanimous consent that the vote on this question be taken at 5 o'clock, at which time the previous question shall be considered as ordered. That will give two hours of debate on each side; half of the time to be controlled by the gentleman from Texas [Mr. HUDSPETH] and the other half by myself.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. HUDSPETH. I did agree with the gentleman that if we could meet at 11 o'clock this side would be satisfied with three hours and allow three hours to the other side. But I want to ask the gentleman, in view of the record here of 2,000 pages; in view of the fact that Mr. Anderson, the attorney for the contestant, took two hours before the committee and then stated that he did not have ample time to state his case, and likewise the gentleman representing the other side, Mr. Fletcher, had two hours, I want to ask the gentleman if he thinks we could possibly present this case in two hours on a side?

Mr. DALLINGER. I have asked for four hours.

Mr. HUDSPETH. I would like to insist to the gentleman from Massachusetts that the time be fixed at five hours, and that he give us two hours and a half. This case took up some months in the committee to hear the case, and I do not think, if gentlemen desire to present the minority side, that we can get through in two hours and a half. The naval appropriation bill has been displaced in order to permit the taking up of this measure—an important measure—and I think we can save time between now and the 1st of January.

Mr. DALLINGER. I understand, Mr. Speaker, that the gentleman from Texas wants two hours and a half on a side?

Mr. HUDSPETH. Two hours and a half on this side.

Mr. DALLINGER. Mr. Speaker, I do not think we want more than two hours on this side. I want to expedite the disposal of this case. We took only five hours, as I recall, on the Berger case. The custom of the House has always been to dispose of these cases in one day. I ask unanimous consent that the vote on this resolution take place at 25 minutes of 6. That will give the gentleman from Texas the time he desires.

Mr. WINGO. Mr. Speaker, I will say right now that I am not going to agree to fixing an hour to vote on this or any other matter before the 4th day of March. We are arranging in regard to the allotment of time all the time, but I am not going to agree to fixing a specific hour on anything. In order to save time I will put you on notice now.

Mr. DOWELL. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the vote be taken at 25 minutes to 6, the gentleman from Massachusetts to control two hours and the gentleman from Texas [Mr. HUDSPETH] two hours and a half. Is there objection?

Mr. WINGO. I object.

The SPEAKER. Objection is made. The gentleman from Massachusetts is recognized.

Mr. DALLINGER. Mr. Speaker, inasmuch as we can not agree upon the time for a definite vote, I will proceed with the case.

Mr. Speaker, at the commencement I desire to say that the record in this case is a very voluminous one and the committee did everything it could to expedite it. I know that there is a great deal of criticism in regard to the delay in bringing in these contested-election cases, but I desire to state that I have done everything I could to expedite these cases. Under the present law governing contested-election cases, however, if both parties take all the time allowed them by the statute and if the committee gives a reasonable time for the consideration of the case, as it should, it is usually a year and a half after the election before the case can be decided.

Now, in this case we delayed the hearing at the request of the gentleman from Virginia, Mr. Harrison, who wanted more time to file his brief, and later we delayed our consideration of it in order to enable him to submit certain figures. Finally, the report was made in June, and then the six weeks' recess came and we had a bare quorum for the rest of the session. The special session, as is well known, was taken up entirely with the consideration of the ship subsidy bill. Ever since this regular session came in, however, I have been trying to get a chance to bring up the case.

Mr. Speaker, ever since I have been a Member of the House I have been a member of the Committee on Elections No. 1, and it has been a source of pride with me to have each one of these contested-election cases decided absolutely upon its merits, upon the law and upon the facts. The record of the committee and my record, both as a member and as its chairman, shows that it has been my endeavor to have every case decided upon its merits regardless of any personal or partisan considerations.

Because of the limited time, I wish to state, Mr. Speaker, that I decline to yield, and I ask that I may not be interrupted.

The gentleman from Virginia, Mr. Harrison, during the campaign of 1920 made certain bitter and unwarranted statements about me and about the unfairness of the Republican members of the committee. I ask unanimous consent to extend and revise my remarks in the RECORD in order that I may insert the newspaper accounts of these remarks in my speech, as I shall not have time to read them.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extent his remarks in the RECORD. Is there objection?

Mr. MOORE of Virginia. Is it to be understood that anyone in the House is to be permitted to extend his remarks in this case? I will ask the gentleman if he has that in view?

Mr. DALLINGER. I shall not object to anybody doing it.

Mr. MOORE of Virginia. I shall not object to the gentleman's request unless there be some objection indicated to a general application for leave to extend remarks.

The SPEAKER. Is there objection?

Mr. MOORE of Virginia. Pending the disposition of that request, I ask unanimous consent that any Member of the House may have leave to extend his remarks on this case.

The SPEAKER. The gentleman asks unanimous consent that any Member of the House may extend his remarks on this case. Is there objection?

Mr. MONDELL. The gentleman does not mean to include anyone except those who speak on the case, does he?

Mr. MOORE of Virginia. Yes; I do, because it is very evident that the matter is now in such a condition that perhaps only one person on a side is going to speak. That is the very purpose of asking general leave to extend.

Mr. MONDELL. That is not the fault of anyone on this side.

Mr. DOWELL. I object to the request.

The SPEAKER. The gentleman from Iowa objects. Is there objection to the request of the gentleman from Massachusetts?

Mr. RAKER. I object to that, Mr. Speaker.

Mr. DALLINGER. Mr. Speaker, I have always been very proud of the fact that when in another election contest one of the contestants went to that friend of every Member of this House, Hon. Champ Clark, when he was the Democratic leader, and talked with him about his case, Mr. Clark said to him, "What committee is your case referred to?"

He said, "To the Committee on Elections No. 1."

Mr. Clark said, "Is that the committee of which DALLINGER is chairman?"

He said, "Yes."

"Then," said Mr. Clark, "you will get a square deal."

Mr. Speaker, we have had in this Congress nine contested-election cases, and in every one of them, except the present, a Republican committee has decided in favor of the Democratic sitting Member. This is the only case in which we have decided in favor of a Republican contestant and against a Democratic Member. In this case we tried and I hoped at one time to get a unanimous report in this case, but I was unable to accomplish it.

Now, Mr. Speaker, what are the facts in regard to this case?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DALLINGER. I decline to yield, Mr. Speaker.

The Virginia constitution of 1902, which is the present constitution of Virginia and which was never ratified by the people of Virginia, can not be read by any fair-minded man anywhere in the country without his coming to the conclusion that its object was to put the election machinery of the State absolutely and for all time in the control of the dominant party in that State.

Under this grossly unfair system the legislature elects the judges of the circuit court, all of whom are members of the dominant party, even in those circuits where a majority of the voters belong to the minority party. The decisions of these circuit judges in all election cases are final, there being no appeal to the appellate court, as in other States. These judges appoint, in each county and city, electoral boards of three members each, with no provision for minority representation, and these boards are almost invariably composed entirely of partisans of the dominant party. The electoral boards in turn choose the registrars, who are always members of the party in power, and also the judges and clerks of election. In the case of the latter the only provision for minority representation is the loosely drawn requirement that in the appointment of the judges of election representation "as far as possible" shall be given to each of the two major political parties, but in all cases the selection of the so-called minority member is exclusively in the hands of the electoral board, which, as mentioned above, is always in the control of the majority party.

At the congressional election held in the seventh congressional district in 1920 the election machinery was absolutely in the control of the political party to which the contestee belongs. The judges who appointed the electoral boards were all Democrats, and all the electoral boards, except in the counties of Rockingham and Page, were made up exclusively of members of the same party.

Throughout the district all the registrars were Democrats, except where there were no Democratic voters. The testimony shows that in the Republican counties these registrars almost invariably required written applications from persons desiring to register, while, on the other hand, in the Democratic counties the registrars either absolutely ignored the mandatory provisions of the State constitution in this regard and registered persons without any applications at all, or else assisted them in making out their applications in spite of the constitutional prohibition. While it is true that usually no discrimination in these regards was made as between Republicans and Democrats, it is plainly evident that compliance with the constitutional provisions in Republican strongholds and a disregard of the same provisions in Democratic strongholds would in both cases be to the distinct advantage of the contestee.

Two out of the three judges of election were always Democrats, and in many precincts all were of the same party. Even in those precincts where a Republican judge was appointed by the Democratic electoral board the testimony shows that in many cases the so-called Republican judge was either a Democrat or a friend and a supporter of the contestee. For instance, in Albemarle County, the secretary of the electoral board testified under oath that J. W. Austin was the Republican judge at Proffitts precinct, whereas Mr. Austin himself testified that he was a Democrat and that there had been no Republican judge at that precinct for eight years. (Testimony, vol. 1, p. 140.) In another case a Democratic registrar testified that W. E. Wood was the Republican judge at Free Union, in the same county, whereas the evidence discloses that Mr. Wood voted in the Democratic primary in August, 1920. (Testimony, vol. 2, p. 1880.)

Now, the result of this situation is that the contestant in this case had to prove his case by calling hostile witnesses. This is to be borne in mind all through this case in weighing the reliability of the testimony that these men were reluctant witnesses and that the actual state of affairs was undoubtedly very much worse than is shown by the testimony. But the testimony of these hostile witnesses shows clearly that thousands of men and women were permitted to vote who had no qualifications for voting under the decisions of the Virginia courts themselves.

Three out of four of the decisions of the Virginia Circuit Court hold that under the constitution of Virginia in order to register a person, unless physically disabled, must present to the registrar an application in writing, prepared without aid, suggestion, or memorandum in the presence of the registrar, and that unless this requirement of the constitution is complied with the registrar acquires no jurisdiction, and that the vote of any person placed by him upon the voting list in the absence of such application is illegal and void. If, however, the application is made and accepted by the registrar, the constitution goes on to provide that further questions can be asked of the applicant under oath as to his qualifications. As Judge McLemore well says in his decision in the Virginia case, in re validity of local-option election held in the city of Suffolk (17 Virginia Law Register, 353):

> In the light of the authorities cited, and many others that could be vouched for if necessary, I find no difficulty in concluding that the clause of the constitution first herein referred to (sec. 20, clause 2) is mandatory and the observance thereof on the part of the voter necessary in order to give jurisdiction to the registrar to act. Now, if the clause referred to is mandatory and if the provision has been ignored by the voter and the registrar alike in the manner charged in the petition, then the conclusion is irresistible that the persons whose names were placed upon the registration books without having complied with the provisions were placed there without legal authority, the act of the registrar in placing their names on the books was ultra vires and void, and the vote of such persons should not be considered in ascertaining the result of the election in which they have participated. * * * To permit registrars, judges of election, or other servants of the people to reject provisions which are mandatory and thereby become arbiters of the qualification of voters is to give them the power, if minded to use it, of determining the electorate which shall pass upon any and every question that may arise.

I wish I had time to go into this phase of the case more fully, but the decision which I have just read was a scholarly decision, in which the court went into all the authorities at great length, and it is perfectly evident that the decision itself is not only good law in Virginia but that also it is common sense and in accordance with the fundamental principles of our whole system of jurisprudence.

Now, there were thousands of these illegal votes, and our committee has subtracted these illegal votes, where it could not be definitely ascertained for whom they were cast, pro rata from the total vote of the contending parties in accordance with the rule established in the case of Finley against Walls in the Forty-fourth Congress and a long line of congressional precedents.

Now, when this evidence was going in before the notary to the effect that Democratic registrars had put these names on the voting list in defiance of the mandatory provisions of the constitution, the testimony being drawn out of reluctant witnesses, seeing that under these circumstances that the contestee being returned by only 448 majority would be defeated by over 1,300 majority and the contestant elected, counsel for the contestee proceeded to put into the record a whole lot of alleged defective written applications made without aid or memorandum by voters in Republican counties and precincts but accepted by Democratic registrars.

The committee has examined with care the applications in the cases of all persons whose names were set forth in the contestee's answer and finds that a very large number of the applications contain all the information required by the second clause of section 20 of the constitution. In the case of a considerable percentage of the applications which are technically defective the voters, mostly women, voting for the first time under the nineteenth amendment to the Federal Constitution, have simply neglected to state that they had never before voted, a fact of which any court might well take judicial notice. It would be absurd to place such defective applications in the same category as cases where no applications were filed or where assistance was given, and I wish to cite the analogy of the validity of a judgment, even though the notice, in a court of record, is grossly defective in form, once the court has acted on it and entered judgment. Moreover, although a notice in a suit is

defective, amendments are invariably allowed by the courts whenever the interests of justice demand.

Furthermore, the fact that the third paragraph of section 20 of the Virginia constitution provides for an examination under oath of the applicant by the registrar as to his qualifications, implies that the written application might not contain all of the required information, otherwise the registrar would not need to ask the applicant any questions but could from the application itself, after having sworn the applicant, make the proper entries on the registration book. If, however, the written application is imperfect, then the registrar can put the name of the applicant on the registration book after asking him questions as to his qualifications. In other words, while the registrar has no authority under the constitution to ask any questions or to do anything else until a written application has been made to him by a person in his own handwriting, without aid, suggestion, or memorandum, when such application has been made and accepted by the registrar, however defective it may be, then the registrar has jurisdiction to act, and he can ask the applicant any questions about his qualifications to vote, the registrar in such cases being required to reduce such questions and answers to writing and to preserve them. Consequently the committee is of the opinion that defective applications when once received by a registrar, under the Virginia law, are not void but merely voidable, and the vote of a person registered on such an application supplemented by the examination under oath by the registrar should not be thrown out in an election contest as contended by the contestee.

On this point the Virginia law and practice is perfectly plain. No judge of the circuit court has ever passed upon the question of defective applications because the question has never been raised by either party to a contest. They have had case after case of hotly contested local option contests, and both parties have always assumed that where the would-be voter went up and made the written application without aid, suggestion, or memorandum in the presence of the registrar and the registrar accepted it and took jurisdiction and by examination of the applicant under oath was finally satisfied as to his qualifications, the constitution had been complied with, and that the vote of such person could not be thrown out. If the courts of Virginia should throw out all the original written applications that are not perfect in form, as demanded in this case, there would be mighty few names left on the voting lists of Virginia. Mr. Speaker, it is not only the law and the practice in Virginia but it is in line with the underlying principles of the election law of the country, where the voter has tried to do his part, his vote will not be thrown out because of some technical defect which has been corrected by the registration officer.

It is like a case in court; until the man files his writ and his declaration the court has no jurisdiction. In this case there were thousands of illegal votes cast by persons who never tried to do their part by making out a written application without aid, suggestion, or memorandum in the presence of the registrar, and these votes were void ab initio and should not be counted. On the other hand, where a man does file his declaration in court the court gets jurisdiction and can amend the declaration if it is imperfect. This, Mr. Speaker, is the law and practice in Virginia, and it accords with common sense and the principles of American law.

Now, I want to call attention to the fact that while the committee on the law and facts finds that, with the illegal votes deducted pro rata from the total votes of the parties, Mr. Paul, the contestant, was elected by a large majority; it also finds that even if the contestee's contention is correct and defective applications render the votes of the applicants void, and these latter votes are deducted in the same manner, the result would still be that Mr. Paul was elected. But, in addition to the utter disregard of the mandatory provisions of the State constitution respecting registration and the failure to conform to the requirement in respect to the appointment of Republican judges of election, there were also in a large number of precincts violations of the constitutional and statutory provisions concerning the secrecy of the ballot, the keeping of the ballot box in view, the counting and disposition of the ballots, and especially the provision prohibiting the election officials from giving assistance to voters unless registered previous to 1904 or unless physically disabled.

Now, the law is plain that where there has been such an utter and reckless disregard of the provisions of the constitution and of the laws made to protect the purity of elections that it is impossible to say that there was a legal election, then those precincts where such irregularities occurred should be thrown out. Here again I deny that the committee has shown any discrimination. We have thrown out precincts wherever such practices occurred, no matter who it hit and no matter what the result was.

Mr. Speaker, I had intended, if time had permitted, to read a few quotations from the testimony outside of those mentioned in the report. I will simply refer to the testimony to be found on pages 155, 184, 195, 196, 252, 1785, and 1869 of the record in this case as fair samples of the irregularities referred to. This is what the majority found as a matter of fact, as set forth in our report:

In most of the precincts of Albemarle County particularly there was an utter and reckless disregard of these constitutional and statutory provisions from the beginning of registration down to and including the final return of the ballots. In many of the precincts of that county the registrars had made a practice for years of registering persons without requiring applications, so that a very large proportion of the persons voting at the congressional election in November, 1920, had no legal right to vote, while in other precincts the registrars made a practice of assisting persons to make out their applications, which rendered the votes of such persons equally void with the others already mentioned.

In this county the electoral board in violation of law delivered the official ballots previous to election to a deputy clerk of court, who gave no receipt for them and who distributed them throughout the county, in many instances to Democratic workers who were not election officials. The secretary of the electoral board, whose duty under the law it was to distribute the official ballots, admitted that in this instance the board had had nothing to do with it. (Testimony, vol. 2, pp. 1831, 1832.) The opportunity thus afforded to tamper with the ballots is too obvious to require any comment.

In most of the precincts in this county the provisions of the constitution in regard to the secrecy of the ballot, including the prohibition against giving assistance to voters in marking their ballots unless physically disabled, were openly violated. Judges of election openly and flagrantly assisted all voters who desired it in the preparation of their ballots without regard to the date of their registration or whether or not they were physically disabled. In many of the precincts the constitutional provisions in respect to the counting, disposition, and delivery of the ballots were entirely disregarded.

Similar conditions prevailed in the city of Charlottesville, in most of the precincts of Clarke County, in many of the precincts of Frederick County, and in the city of Winchester. In the latter city, the home of the contestee, the violation of the constitutional provisions in regard to registration, the secrecy of the ballot, and the indiscriminate giving of assistance in the preparation of their ballots to persons not entitled thereto was especially flagrant. The evidence clearly discloses the fact that for years the registrars in that city had entirely disregarded the mandatory provisions of the constitution requiring applications in writing and had filled their books with the names of persons who had never made any written applications at all. Consequently, at the congressional election in November, 1920, almost the entire registration was absolutely illegal and void. In the first ward, for instance, where 712 votes were cast at the election, there were 917 void registrations; while in the second ward there were 916 void registrations, although only 754 votes were cast at the election. The explanation of B. F. Davis, the Democratic registrar of this overwhelmingly Democratic ward, for this deliberate disregard of the constitution of the State is certainly illuminating:

"Q. Was there a great deal in the newspaper about it about that time?—A. Yes, sir; I said they were trying to make it as simple for the registrar as could be, and after as many registrants as possible; that is, what they wanted to do was to get as many as possible to register." (Testimony, vol. 1, p. 507.)

Although this was a large city precinct and the electoral board, composed entirely of members of the contestee's party, had months to make preparations for the election, there was no booth provided until 10 o'clock of election day; and even after two booths were put up the accommodations were entirely inadequate, and throughout the day voters prepared their ballots anywhere. Moreover, not only did the judges of election assist any voters who desired help, but bystanders indiscriminately helped voters mark their ballots. On this point the testimony of J. B. Beverly, Democratic city clerk of Winchester, is interesting.

"Q. In the second ward, were the judges helping anybody to mark their ballots who requested them—that is, were they doing that when you voted?—A. Well, yes, sir; I think they were.

"Q. Mr. Beverly, you, yourself, helped somebody to mark a ballot, didn't you?—A. Yes, sir; I helped quite a lot." (Testimony, vol. 1, p. 515.)

At this same precinct the used ballots were not sealed, but were put in the ballot box and the box returned to the clerk's office. (Testimony, vol. 1, p. 524.) Moreover, the clerk of the court to whom the ballots should by law have been returned after the count by the election officials, testified that he did not know whether the ballots were ever returned or not, but that the ballot boxes were simply delivered to the canvassing board. (Testimony, vol. 1, p. 515.)

All the way through there was such an utter and reckless disregard of the election laws that there can be said to have been no legal election in these precincts. Democratic election officers and Democratic workers marked the ballots openly at the polling places. And, Mr. Speaker, there is no question whatever but what the committee was justified in throwing out these precincts, but I wish to again call the attention of the House to the fact that even if no precincts were rejected, just deducting the illegal votes pro rata, the contestant, Mr. Paul, was nevertheless elected by a substantial margin.

I have already called attention to the fact that the Virginia law provides that all unused ballots shall be destroyed but that the unused ballots in many cases were put in with the ballots that had been voted and were put in places where they could be tampered with before the electoral board made the count, making it possible for them to manipulate the returns in Albemarle County and offset the votes coming down from the rest of the district.

Mr. Speaker, at this election the Democratic officials returned Mr. Harrison as elected by a majority of only 448 votes. They knew that the election was going to be close in 1920. What happened in 1918, and what happened this year has nothing to do with the case. In this election of 1920 they realized that unless they used their control of the election machinery to violate the law they would lose the district. You can not give any other explanation to the fact that they deliberately disregarded the safeguards thrown about the election than that they intended to win this election by fair means or by foul.

Now, Mr. Speaker, the time will not permit my going into the details of the minority report. But I wish to say that I have prepared an answer to every line of it. The minority raises the point that we were not fair in our conclusions in regard to certain precincts, whereas we have been absolutely fair.

Gentlemen should remember that in every case the absolute control of the election machinery was in the hands of the majority party and that whatever irregularities may have occurred in the Republican precincts they did not redound to the benefit of the contestant but to the benefit of the contestee. In any other State in the Union where the control of the election machinery is in the hands of the dominant party in the county you might say that because there were similar irregularities in the Republican counties that therefore those precincts should be thrown out, but in this case the Republican counties were absolutely in the control, so far as the election machinery is concerned, of the friends and partisans of the contestee. We have gone over very carefully every one of the Republican precincts, and although in some of the first testimony, some of those Democratic elections officials, knowing what it meant to show irregularities there, did exaggerate these irregularities, but on cross-examination it was shown that except in those cases where we threw out the precincts all through the Republican parts of the district, the provisions of this rigorous constitution of Virginia and the election laws made in pursuance thereof were rigorously enforced. The constitution of Virginia, which, according to the Hon. CARTER GLASS—and I wish I had time to read his remarks in the constitutional convention—was designed to disfranchise four-fifths of the colored voters of the State, and which, as a matter of fact, has also disfranchised a large part of the white population. It is interesting to note that in 1920 there was a total vote cast for 10 Congressmen in this State of Virginia of 223,267, while in the State of Minnesota, also having 10 Congressmen, there was a total congressional vote of 747,070 votes. The enforcement of these rigorous provisions of the constitution and election laws in the Republican parts of the district and the refusal to so enforce it in the Democratic parts of the State——

Mr. PARKS of Arkansas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-one Members present, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Almon | Doughton | Jones, Pa. | Olpp |
| Anderson | Drane | Kahn | Osborne |
| Ansorge | Drewry | Kelley, Mich. | Overstreet |
| Appleby | Dunbar | Kelly, Pa. | Park, Ga. |
| Bacharach | Dunn | Kennedy | Perlman |
| Beedy | Dyer | Kiess | Petersen |
| Benham | Echols | Kindred | Porter |
| Bland, Ind. | Ellis | Kitchin | Purnell |
| Bond | Fairchild | Kleczka | Radcliffe |
| Bowers | Fish | Knight | Rainey, Ala. |
| Brand | Frear | Kunz | Rainey, Ill. |
| Browne, Wis. | Freeman | Langley | Reber |
| Byrnes, S. C. | Frothingham | Layton | Riordan |
| Cannon | Funk | Lee, Ga. | Roberston |
| Cantrill | Gallivan | Lee, N. Y. | Rogers |
| Carew | Gifford | Luce | Rose |
| Carter | Goldsborough | McArthur | Rossdale |
| Chandler, Okla. | Gorman | McCormick | Rucker |
| Clark, Fla. | Gould | McFadden | Ryan |
| Classon | Greene, Vt. | McLaughlin, Pa. | Sabath |
| Codd | Griest | Maloney | Schall |
| Cole, Ohio | Griffin | Mead | Shaw |
| Collins | Hammer | Michaelson | Shreve |
| Connolly, Pa. | Hardy, Tex. | Miller | Siegel |
| Cooper, Wis. | Henry | Montague | Sisson |
| Crowther | Herrick | Moore, Ill. | Smith, Mich. |
| Cullen | Hogan | Mott | Smithwick |
| Davis, Minn. | Humphreys, Miss. | Mudd | Snell |
| Deal | Husted | Nelson, J. M. | Stiness |
| Dempsey | Hutchinson | O'Brien | Stoll |
| Denison | Jacoway | Ogden | Sullivan |
| Dominick | Johnson, Miss. | Oliver | Swing |
| Tague | Tillman | Vestal | Wise |
| Taylor, Ark. | Tincher | Volk | Woodyard |
| Taylor, Tenn. | Tinkham | Watson | Yates |
| Temple | Tucker | Wheeler | Young |
| Ten Eyck | Tyson | White, Kans. | Zihlman |
| Thomas | Underhill | Williams, Ill. | |
| Thorpe | Vare | Williams, Tex. | |

The SPEAKER pro tempore (Mr. TILSON). On this call 276 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. DALLINGER. Mr. Speaker, I intend to occupy the time of the House for only a moment or two, and then to reserve the remainder of my time. I ask unanimous consent that all Members who desire to speak upon this matter be given permission to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. WINGO. Oh, Mr. Speaker, I already put the gentleman on notice that there would not be any more unanimous consents granted between now and the 4th of March, so what is the use of putting the request? I object.

Mr. DALLINGER. Mr. Speaker, as I stated before the point of no quorum was raised, I intended, if conditions had warranted it, to make a reply to the minority report line by line, but I shall simply state, as an example of the inaccuracy of that report to show that Members can not rely upon it, that in the very first part of that report there is the statement that in 1918 the contestant, Mr. Paul, was a candidate and was overwhelmingly defeated. As a matter of fact, I have here the certificate of the secretary of state of Virginia to the effect that he was not a candidate, and, as a matter of fact, he could not have been a candidate at that time because he was then fighting for his country over in the Argonne. The fact is that a few men in his district—friends of his—wrote his name in and he got a scattering vote from the district, and they bring that in to show his overwhelming defeat. The minority report also states that because in the Republican counties a larger proportional vote relative to the total population was cast, that that shows that in the Republican counties the Democratic officials were easy with the voters. As a matter of fact, it is in the Democratic counties, particularly in the county of Albemarle, that there is a large colored population, which, under the constitution of 1902, is disfranchised, as was the intention of the framers of that constitution, as stated by the Hon. CARTER GLASS in moving its adoption in the constitutional convention. Of course, in the counties having a large nonvoting colored population, the proportion of voters to the total population is not nearly so large as in the Republican counties, where there is little or no colored population.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. I can not yield. Not only that, but the figures which the gentleman from Virginia presented to the committee and which I laboriously went over, because I have known him for years and I wanted to give him every consideration—the figures which he presented differ from ours, because where a voter whose vote has been found to be illegal has not himself testified as to how he voted, we have subtracted that vote pro rata. The gentleman from Virginia, however, in such a case would put on the witness stand one of his Democratic henchmen, and giving him the name of the voter would ask him what his politics were, and of course he would say that the particular voter was a Republican. Then, upon such testimony he would deduct that illegal vote from Mr. Paul's total vote.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. I can not yield. One of these henchmen of the contestee testified as to the party affiliations of almost a thousand voters and testified that these people were practically all Republicans. Judge Harrison then subtracts all of these votes from the vote of Mr. Paul, when, as a matter of fact, there was no evidence worthy of the name of how they voted.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. I can not yield. Mr. Speaker, I reserve the remainder of my time.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER. The Chair thinks the gentleman at any time has the right——

Mr. LONGWORTH. There has been practically no transaction of business since the last roll call.

The SPEAKER. It may be dilatory, but the Chair passes no judgment on that.

Mr. LINTHICUM. I have no desire to make it dilatory, but when a gentleman makes an assertion and will not answer

a question in reference to it I think we ought to have a quorum here. I make the point of order there is no quorum here.

The SPEAKER. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Almon | Fairchild | Little | Ryan |
| Anderson | Fish | Luce | Sabath |
| Bacharach | Frear | McArthur | Schall, Minn. |
| Beedy | Freeman | McClintic | Scott, Tenn. |
| Bland, Ind. | Frothingham | McCormick | Shaw, Ill. |
| Bond | Funk | McFadden | Shreve |
| Bowers | Gallivan | McLaughlin, Pa. | Siegel |
| Box | Goldsborough | Magee | Smith, Mich. |
| Brand | Goodykoontz | Mead | Smithwick |
| Browne, Wis. | Gorman | Michaelson | Snell |
| Burke | Gould | Miller | Steenerson |
| Butler | Griest | Moore, Ill. | Stiness |
| Byrnes, S. C. | Griffin | Morgan | Stoll |
| Byrns, Tenn. | Hammer | Mudd | Sullivan |
| Campbell, Pa. | Hardy, Tex. | Nelson, J. M. | Swing |
| Carew | Henry | O'Brien | Tague |
| Carter | Herrick | Ogden | Taylor, Ark. |
| Chandler, N. Y. | Hogan | Olpp | Taylor, Tenn. |
| Chandler, Okla. | Hull | Osborne | Ten Eyck |
| Clark, Fla. | Husted | Overstreet | Thomas |
| Classon | Hutchinson | Park, Ga. | Thorpe |
| Codd | Jacoway | Perlman | Tillman |
| Cole, Ohio | Johnson, S. Dak. | Petersen | Tinkham |
| Collins | Jones, Pa. | Purnell | Tucker |
| Colton | Kahn | Radcliffe | Upshaw |
| Connolly, Pa. | Keller | Rainey, Ala. | Vare |
| Cullen | Kelley, Mich. | Rainey, Ill. | Volgt |
| Davis, Minn. | Kelly, Pa. | Ramseyer | Volk |
| Deal | Kennedy | Rankin | Volstead |
| Dempsey | Kindred | Rayburn | Ward, N. C. |
| Denison | Kitchin | Reber | Wheeler |
| Dominick | Kleczka | Reece | Williams, Tex. |
| Doughton | Knight | Riordan | Winslow |
| Drane | Kunz | Robertson | Wise |
| Drewry | Langley | Rogers | Woodyard |
| Dunbar | Larsen, Ga. | Rose | Wyant |
| Dunn | Layton | Rossdale | Yates |
| Dyer | Lee, Ga. | Rouse | Zihlman |
| Echols | Lee, N. Y. | Rucker | |

The SPEAKER. Two hundred and seventy-five Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. DALLINGER. Mr. Speaker, I reserve the remainder of my time.

Mr. HUDSPETH. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the gentleman from Massachusetts [Mr. DALLINGER] asked unanimous consent to incorporate in his remarks certain newspaper clippings, which contained criticisms by me of the Committee on Elections. Objection was made; but if the gentleman desires it, I will ask unanimous consent to have these newspaper clippings incorporated as a part of my remarks. I think my friend, Mr. GREEN of Iowa, who is something of a Shakespearean scholar——

Mr. DALLINGER. Do I understand the gentleman wants to incorporate——

Mr. HARRISON. I will have these clippings incorporated as a part of my speech.

Mr. DALLINGER. Not unless I shall be given unanimous consent to extend my remarks.

Mr. HARRISON. I am not asking; I am just trying to get the gentleman's clippings in the RECORD if he desires it.

The SPEAKER. The Chair was informed that during his momentary absence unanimous consent had been given to everybody to extend their remarks.

SEVERAL MEMBERS. No.

The SPEAKER. The Chair is mistaken. Does the gentleman from Virginia——

Mr. HARRISON. I ask unanimous consent to incorporate the clippings the gentleman desires to have in his speech in my speech.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks for the purpose indicated.

Mr. MONDELL. Mr. Speaker, unanimous consent has been refused the gentleman from Massachusetts to extend his remarks, and I think it is hardly fair the gentleman from Virginia should have that privilege, as the request of the gentleman from Massachusetts was denied.

Mr. HARRISON. Mr. Speaker, I have always felt with my colleague from Virginia [Mr. MOORE] that there ought to be some fair tribunal for the consideration of these election-contest cases. I know that is simply carrying out what has been proposed a number of times before by many great thinkers. Mr. Mann, that distinguished statesman to whom we all paid honor here a few days ago in this Hall, undertook to remove the objections and the criticisms and the partisan character of these contests when he was chairman of the Elections Committee by giving a sort of congressional jurisprudence to the consideration of those cases, and for over 20 years, nearly, the impression that he gave to the consideration of election cases lasted. But, of course, that good influence has gradually been growing less. What I have said on the stump I say here, that of all the cases I have ever had an opportunity to review in these election contests there never has been a more partisan or more unjust finding than there is in this case. The gentleman from Massachusetts starts out by saying he is standing by the constitution of Virginia, but runs away from it when it did not suit his purpose. He says that he stands by certain decisions of the courts of Virginia and does not when it does not suit his purpose. He misconstrues the decisions and then abandons them when it does not suit his end, even his own misconstruction of them. It is a matter of no moment to me what construction he adopts if he will apply the same interpretation honestly and justly to every contested precinct in the district. If he adopts any interpretation and will uniformly carry it throughout the district, he will be forced to find that I had been elected by an increased majority over the returns; but in order to avoid that calamity, in order to carry out the purposes that this contest was instituted to do, he simply ignores his own interpretations and throws out 32 Democratic precincts without condescending an explanation. Nobody can tell on what grounds he proceeded. I defy him to tell it himself. After throwing out these 38 precincts here is what he says:

> There was such an utter, complete, and reckless disregard of the mandatory provisions of the fundamental law of the State of Virginia involving the essentials of a valid election that it can be fairly said that there was no legal election in those precincts.

That is all he gives, all the information he vouchsafes, and proceeds to elect his man by throwing out precinct after precinct where Democrats prevail, disfranchising men who have voted for 40 years. I myself, who have held responsible offices, who have been a voter for 40 years, he disfranchises under his rule. Five hundred men in my home town, men against whom there could not be the slightest objection as to their registration, as to their right as citizens, or their right to assistance, men registered prior to 1904, were disfranchised ruthlessly. He simply on a general statement eliminates sufficient Democratic precincts to accomplish his purpose, and then blandly explains that the elections at these precincts were not conducted according to law. I noticed in this Hall a few moments ago what was called to your attention by the gentleman from Massachusetts, a bulletin which proposed to give visual expression to the laws of Virginia, but the trouble with that bulletin is that it was not truthful. The judges of the court are Democratic, but in numerous instances the registrars were not, and the electoral boards were not Democratic, and at every possible precinct there was a Republican judge.

Mr. VAILE. Will the gentleman yield?

Mr. HARRISON. I have only 30 minutes; what is it?

Mr. VAILE. I want to ask if these 500 men——

Mr. MOORE of Virginia. I suggest the gentleman's time is very limited.

Mr. HARRISON. I would be very glad to answer questions if I had the time.

The gentleman from Massachusetts [Mr. DALLINGER] undertakes to say here that contestant had to resort to hostile witnesses. Why, he had his leaders, he had his supporters, he had his lieutenants, sitting beside him all the time, and he did not dare to put them on the witness stand. I did, and I proved beyond question and beyond the possibility of a cavil that in this whole election there was not one single act of fraud; not a single instance of the improper use of money; not a single instance of intimidation; and that the only thing they could possibly rest upon was to trump up some matters to throw out a Democratic precinct.

The contestant has been constantly before the people. He has been elected from time to time to office, and he has been a candidate time and time again for office, and yet in this election as in all others he was the principal offender, if any offense was committed. Why did he not call the attention of the authorities to these matters and have them corrected? He was only too glad to get his people registered, and his people voted under the very conditions of which he now complains. He comes in now on the proposition of "heads I win and tails you lose." I will abide by any interpretation of the Constitution and the laws. I do not care if you take the decisions that the gentleman from Massachusetts has quoted and then failed to follow. I do not care upon what theory you go or what con-

struction he put upon those laws. Let him do it honestly and hew to the line, no matter where the chips fall, so long as he applies the law honestly and fairly to the various precincts of this district. That is all I ask.

I had hoped that this matter was settled by the last election. We had the case of Mr. Newberry, who bought his seat in the Senate, and when the people were heard from Mr. Newberry resigned. I took this case back to the people. I made it the sole and only issue before them. I said, "If I was not fairly elected, do not vote for me now." What was the result? I carried every county in the district, including the home county of the contestant and his own home precinct. [Applause.]

Mr. MOORE of Virginia. Give your majority.

Mr. HARRISON. My majority, instead of being 448, as it was at the last election, was 5,193.

Mr. MOORE of Virginia. You carried the very counties which Mr. DALLINGER says were under Republican control and where there were no irregularities?

Mr. HARRISON. Yes. Shenandoah County, that gave 1,100 against me in 1920, gave 250 for me in 1922. Rockingham County and Harrisonburg, that gave a majority against me of over 800, I carried by something less than 200. Page County, another Republican county that went against me by 450, I carried by over 100. One little county my contestant carried, and that was Greene County, by a miserable majority of 26. And yet you are going to ram this man down the throats of the people of the seventh congressional district as their Representative in spite of the resentment that they expressed even at such a suggestion.

Of course, if the law has been improperly construed and has not been properly followed in these cases, the proper method would have been to have declared the election void. He participated in these matters, just as I did, and he got the benefit of them without objection. But there was no occasion for either. The people have spoken. The seventh district responds with an unprecedented majority, For the first time in 20 years Virginia sends a solid delegation.

Now, let me tell you what I think about the upshot of this whole business. The people of the country do not altogether understand Virginia Republican politics. It is a pure matter of patronage and a question of who feeds off patronage. I have been hearing all over my district about the sale of patronage. Constantly reports have come to me that offices were sold for what money there was in it. Let me repeat, I do not believe Republicans of the North realize southern Republicanism, and I do not believe they would indorse southern Republican methods.

I am going to read some letters. A man whom I do not know and for whom I do not vouch—I have not any idea who he is; he claims, as I understood him, and I do not even vouch for that—he complains that he bought an office and it was given to somebody else because that somebody else had given more money for it, and he put the correspondence in my hands. Now, the head of this whole patronage business in Virginia is the distinguished Member from the ninth district, Mr. SLEMP. He is the disburser of all patronage. He is the man who has to give his indorsement to the applicant, not only in my own State but also, as I understand, in other States. Here are canceled checks. They are indorsed, some of them, by Mr. SLEMP, some by his secretary, all for the indorsement of applicants to office.

Mr. SLEMP. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. SLEMP. Will you state to the House what year you are referring to?

Mr. HARRISON. These seem to run for over a year, from December, 1920, to January, 1922. The whole period seems to be for a year during which this matter has been going on. These checks are better understood in connection with the letters I shall now read. I pick these letters up at random. Here is a good opener:

COMMITTEE ON APROPRIATIONS,
UNITED STATES HOUSE OF REPRESENTATIVES,
*Washington, D. C.*

Mr. B. R. POWELL, *Gretna, Va.*

DEAR BEN: I have letters in regard to the collection of money for post offices. One must be very careful about this. It will bring the party into disrepute, which would be bad for everyone. We must preserve our standing with the people and with the administration.

With best wishes, I am,
Sincerely yours,
C. B. SLEMP.

The next one is from his secretary. I want to get the initial letter:

DEAR BEN——

Mr. LONGWORTH. What is the date?

Mr. HARRISON. December 27, 1921.

Mr. BANKHEAD. Read it.

Mr. LONGWORTH. This election was in 1920.

Mr. HARRISON. Yes; but we have not got proof of what was going on except the letters that we now have. We may suspect a lot, but we have not got the proof, except these letters:

DEAR BEN: I inclose you a copy of letter I received from Mr. Jones a short time ago. I have succeeded in pulling his son over the top and am ready to make the appointment, but before we do so it will be necessary for you to get in touch with him and arrange for some money. We will have to have at least $150 in order to come out whole. It took half of that amount to put the matter over—

[Laughter]—

which I will explain to you when I see you. I want you to handle the matter instead of writing to them direct. It is a very delicate matter and I had to do some strong wire pulling to get it through, and I know you can work it in the right way. I would not write any letter on the matter but phone the boy to come and see you. If you can I would like for it to all be arranged by the first of the year. This is a lifetime position for the boy, which he would not have gotten if it had not been for me, and I feel sure they will appreciate fully the circumstances and protect me in the matter. If you think it is worth more than the above amount you can arrange accordingly.

[Laughter.]

* * * * * * *

Your friend,
L. B. HOWARD.

P. S.—Be sure and destroy this letter if you are through with it.

Another:

Mr. B. R. POWELL, *Gretna, Va.*

MY DEAR MR. POWELL: Please accept my thanks for your letter of the 3d, inclosing checks in the amount of $100. You are doing good work. Keep it up.

With best wishes, I am, sincerely yours,
C. B. SLEMP.

Mr. CRISP. Who is L. B. Howard?

Mr. HARRISON. L. B. Howard is secretary to Mr. SLEMP. Here is another one:

DEAR MR. POWELL: The Civil Service Commission has announced examinations for postmasters on August 13 at Charlotte Court House, Halifax, and Concord Depot.

Please get in touch with our people at these places and have them thoroughly prepared for these examinations.

I have received your letter this morning in regard to the appointment of rural mail carrier at Wirtz; but it came too late, as on yesterday I succeeded in getting Mr. Clyde Boone appointed and wrote you accordingly.

I think you ought to see Mr. Boone before he gets his appointment and tell him what a fight we have made to have him appointed and make him promise to help out on expenses. Let me hear from you.

With best wishes, I am, sincerely yours,
L. B. HOWARD, *Secretary.*

Here is another:

DEAR BEN: I have had Mr. Moore appointed acting postmaster at Saxe. I suggest that you see him at once and have him help us. He should have his appointment within a few days.

Your friend,
L. B. H.

Here is another:

DEAR MR. POWELL: If you can arrange the balance of the $200 that I wrote you about, I am leaving for home on about the 23d and would like to have it before that time. Let me know when I can serve you.

With best wishes, your friend.
L. B. H., *Secretary.*

Mr. MONDELL. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MONDELL. Just what has all of this to do with the election of 1920?

Mr. HARRISON. As I will show you, the whole business here is simply a question of giving the contestant in this case $15,000. I am not surprised that the gentleman from Wyoming should show some nervousness.

SEVERAL MEMBERS. Go ahead.

Mr. HARRISON. Here is another letter:

Mr. B. R. POWELL, *Gretna, Va.*

DEAR MR. POWELL:

* * * * * * * *

Of course, you know that it is necessary in making these appointments to get men in that will help us in a financial way, and also I want you to look after the situation in Campbell County. * * *

I am just reading the parts that bear on this point. Here is a clause in the other:

Doctor Smith was here yesterday raising hell about matter in Henry County. Will write you fully about it to-day or to-morrow. Keep all my letters confidential and don't say anything about the Smith matter until you hear further.

Your friend,
L. B. H.

—

DEAR BEN: The postmaster at Lennig, Halifax County, has resigned and wants to be relieved by January 1. Please get in touch with Lee Wolfe and give us name some one can appoint acting postmaster, fourth-class office paying about $500 per year. Get some help out of party you recommend.

Sincerely,
L. B. HOWARD.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES U. S.,
*Washington, D. C., January 12, 1921.*

DEAR BEN: The postmaster at Henry in Franklin County has died. The department is asking for the name of some one to appoint acting. The office pays about $600 per year. I wish you would get in touch with Beverly Davis or some one and let us have some name as soon as possible. I would have the party send in a little contribution. Say, $25 or $35.

Sincerely yours, L. B. H., *Secretary.*

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COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES U. S.,
*Washington, D. C., July 19, 1921.*

Mr. B. R. POWELL, *Gretna, Va.*

DEAR MR. POWELL: The Post Office Department has asked us to give them the name of some one who they can appoint acting postmaster at Scottsburg. Please get in touch with Lee Wolfe and give us the name at your earliest convenience. Be sure and get some one that will help us out in our finances.

With best wishes, sincerely yours,

L. B. HOWARD, *Secretary.*

—

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES U. S.,
*Washington, D. C., July 26, 1921.*

Mr. B. R. POWELL, *Gretna, Va.*

DEAR MR. POWELL: I have succeeded in having Mr. Archie H. Kirkland appointed rural mail carrier at Concord Depot.

Can you see him and have him help out a little on expenses. You know how to handle matters of this kind so there will be no come back. I understand he is a very fine man. A good Republican coming from Massachusetts.

With best wishes, I am, sincerely yours,

L. B. H., *Secretary.*

I will not continue to read these. There are dozens and dozens of them, all showing the same thing that we have been claiming.

Mr. HUDSPETH. By whom are they written?

Mr. HARRISON. Some of them are signed by the gentleman from the ninth district, and some by his secretary.

Mr. REED of West Virginia. Are these transactions with people in your district?

Mr. HARRISON. These particular transactions are not, but the point I am making is that we have got the proof here of certain matters that we know have existed in every district and all over the State.

Mr. LINTHICUM. On what stationery are these letters written?

Mr. HARRISON. On the stationery of the gentleman from the ninth district of Virginia.

Mr. LINTHICUM. Congressional letterheads?

Mr. HARRISON. Yes. Now, here is the point I am making, that the only possible purpose that can be served by the action proposed to-day is to give the contestant the $15,000 which he has not earned by any service rendered in this Hall. After the election of 1920, when Republicans won, there were a number of important places that he might have been appointed to, but the ninth district was getting a little shaky. The ninth district was showing wavering toward the Democratic column, and so it was proposed to put all of the important officers down in the ninth district, and they were. The contestant here is promised his $15,000 to compensate him. It is just as much the policy of the Republican Party to take care of its lame ducks down South as it is to call on everybody to make a contribution for the appointment that they get. That is the point that I make.

Mr. KINCHELOE. Will the gentleman yield right there?

Mr. HARRISON. Yes.

Mr. KINCHELOE. The gentleman spoke of some checks there. Will the gentleman state to whom they were made and who signed them?

Mr. HARRISON. There are bushels of them.

Mr. KINCHELOE. Who made them?

Mr. HARRISON. They are signed by Mr. Powell, some of them payable to SLEMP and some to Howard.

Mr. KINCHELOE. Is SLEMP's indorsement on them?

Mr. HARRISON. On some of them; yes. Now I have not used this man Powell's name at all.

Mr. BARKLEY. Who is this man Powell?

Mr. HARRISON. He is the disburser of patronage, or what they call the referee in the fourth district.

Mr. BLANTON. Will the gentleman yield right there?

Mr. HARRISON. Yes.

Mr. BLANTON. These checks are for private money, but this $15,000 that is to be paid to this gentleman is the people's money out of the United States Treasury.

Mr. HARRISON. Yes. Why, what is the Treasury of the United States for? [Laughter.] To take care of Republican gentlemen who do not get elected.

He made the best run that any Republican has ever made in that district. He should have been proud of the accomplishments which he made. Had he rested satisfied with the honor he then won there is no telling but that he might have been here truly and honestly representing the people of the district in this election.

I regret the action of this House and this committee, because it prevents a real consideration in the South of the true political issues between the parties. You gentlemen want to know why you can not get a Republican Party down there. We would like to divide on party lines and party issues, but the moment a division arises it is abused here in the House or somewhere else to the prejudice of the rights of the people of that district.

I know of no more gallant people anywhere, of no more honorable and deserving people anywhere than in the Shenandoah Valley of Virginia and Piedmont, which I have the honor to represent. They were men that followed Jackson in his successful fight and gave him the sobriquet of Stonewall.

Their forefathers were men that George Washington and all the Revolutionary heroes rested their strength upon, and to say that these people shall be deprived of their right of representation because a Massachusetts Congressman does not seem to approve of our constitution and laws seems absurd. I feel therefore that I have discharged my duty. I do not care whether the contestant gets the $15,000, which he seems to be scheduled for, but I do object to any Representative from another section of this country undertaking to say that we shall not have a Representative in Congress according to our own laws and our own statutes.

This constitution has been approved by the United States Supreme Court. The gentleman from Massachusetts can not say they are sorry for the poor colored brother because they claim to be lily white—nothing so white as are they. They kicked the negro out of the party after they had got their votes. They denied them representation in political conventions. They pride themselves on the fact of being extra-fine lily-white people. So the gentleman from Massachusetts may save his sympathy on the ground that the constitution of Virginia has in some way prejudiced the rights of the negro. As I say, the Supreme Court of this country has already passed upon the validity of that constitution, and we have a right to our constitution just as much as the gentleman from Massachusetts has to his. An investigation of election contest cases shows that there is about as rotten and corrupt exhibition of politics in Massachusetts contested cases as there are anywhere else. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent that the contestant, Mr. John Paul, be allowed to speak 20 minutes out of my time.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the contestant be allowed to speak 20 minutes out of his time. Is there objection?

There was no objection.

Mr. PAUL. Mr. Speaker, I trust the House will pardon me for plunging immediately into the facts of the case, because I am frank to say they are the only things of moment to the House, and my time is very much limited.

Now, in the beginning I want to disabuse the minds of the Members of the House in thinking that there is any attempt by this committee or by me to override the laws of the State of Virginia or its constitution. I am simply here to sustain the constitution and laws of Virginia and to claim that they must be obeyed by the people who made them. [Applause.]

I can not go into detail, but the present election laws of Virginia are based on three primary qualifications. First, that a man must pay a poll tax; second, he must make before the registration officer a written application to register in his own handwriting, in which he shall state his name, age, date and place of birth, his residence and occupation at the present time and for the two years next preceding; whether or not he has ever voted; and if so, in what State, county, and precinct he last voted. The third qualification—if he is registered under the new constitution which went into effect in 1904—is that he must prove his ability, without suggestion, aid, or help from any source whatever, to prepare his vote on the printed form furnished by the election officer.

You might say on the face of it that these qualifications are good ones as a basis for an electoral system. In practice this electoral machinery charged with carrying out the administration of the election law is composed entirely of members of one party. I say entirely, practically so. The electoral board, which is the center of the system, is appointed by the judges of the circuit court, and these judges are always Democratic. There is no restriction on them as to the men they shall appoint on the board. They almost invariably appoint three Democrats. Now, the electoral board selects the registrar and judges and clerks of election. There is no restriction on the judges or clerks of election except a provision that where it is possible the minority shall have one out of the three judges of election. There is no restriction on the clerks at

all. We find in my district in 1920 that out of 13 electoral boards in the district 10 of them are composed entirely of Democrats. We find that at every precinct in the district in which investigation was made that the registrar was Democratic except in one precinct where there happens to be no Democrats at all, and of necessity he was a Republican. It is true that 5 registrars out of over 100 testified that they voted for me on personal grounds, but not "many of them," as the contestee said a few minutes ago. Five voted for me on personal grounds, although they were appointed as Democrats and they said they affiliated with the Democratic Party. In a great many precincts there were no Republican judges. In the county of Albemarle, around which centers this case, there was not even a nominal Republican judge in 11 precincts.

When I say a nominal Republican judge, I mean that they never claimed that there was a Republican judge even in those 11 precincts. At certain other precincts in that county and in other counties through the district there were men appointed as Republican judges who were, in fact, Democrats in disguise. That is the way the system is operated. I once heard the Hon. William Jennings Bryan stand before the Legislature of Virginia and say that the election laws of Virginia were a shame to an enlightened people, and I also heard him point out this very fact of a member of the Democratic organization selecting the judge for the Republican Party, and, as Mr. Bryan said, this judge is usually a traitor to his own party, or a Democrat in disguise. That is the electoral system as it was operated in the seventh district of Virginia in 1920.

The election machinery in Virginia is in no sense judicial. It is an ancillary organization to the Democratic Party organization. This record shows that all the way through. You will find repeatedly in this record where registrars testified that they were appointed by the Democratic committee to act as registrars, and you will find judges of election testifying that on the day of election they were representing the Democratic Party in the duties they were performing. That is the situation we went up against. Remember that the three great essentials of a valid voter in Virginia are the prepayment of the poll tax, the making of the written application without aid, memorandum, or suggestion, and the ability to mark your own ballot without suggestion or aid of any sort. If that law were rigidly enforced we would have no complaint, but our complaint is that having made this law deliberately unjust and outrageous—and I think I am justified in saying that—under which every advantage is taken by the dominant party, they are not content with the advantages given them under the law, but whenever they find themselves under the whip of necessity they go outside of the law to take still greater and dishonest advantages. You can readily see that when this provision of the State constitution was put into effect in 1904 requiring the voters to make written application to register, that it was a test as to their literacy. That was the purpose of making it. A wise test, we will say. The second test of literacy was the ability to mark the ballot; and under our Virginia law the ballot must be kept secret until election day. It was a test of literacy that the man should come there and be able to prepare a ballot that he had never seen, the form and style and contents of which were unknown to him until it was handed to him by the judges of election. This is the way the election law operates in my district and the way it was operated in 1920.

In those communities where the population is overwhelmingly Democratic in its sentiment, where we will say that three out of every four or four out of every five inhabitants are Democratic or would vote the Democratic ticket if they could vote, there is no restriction whatever as to the registration. They do not have the written application for registration. They can appear before the registrar and he simply writes their names on the books. Under that system in Albemarle County alone there were 425 persons put upon the books who never made any written application to the registrar at all. In the city of Charlottesville there were 640 in the year 1920, and in Clarke County 301, in Frederick County 266, and in the entire district there were 2,414 persons registered without the semblance of a written application in the year 1920. It appears that something like 3,000 more had been registered under similar methods previous to that time. That is in the Democratic communities. Do not understand me to charge that in any given precinct the registrar discriminates as between a Republican or a Democratic individual in that precinct. He does not, so far as this record discloses. He does, of course, in some instances, but I mean on a vast scale. The system is more ingenious that that. It is to discriminate between communities where there is a predominant Democratic vote and those communities where there is a predominant Republican vote. For example, take Rockingham County, my home county. There is one magisterial district, known as Stonewall district, in which there are four big voting precincts, and all of them strongly Republican. All of the people in that section of the county are strongly Republican. You can not go into that district and undertake to register without an absolutely meticulous compliance with the very strict letter of the statute and the constitution. The registrar will not register you until you have done what the constitution says, in spirit and in letter. When the constitution of 1904 went into effect in our State and these people were compelled to register in Stonewall district we find that at the precinct of Port Republic in the first election following the total vote was 122, while in 1900, before the constitution went into effect, it was 268. Of those the Republicans lost 125 votes and the Democrats lost 21. In other words, in an overwhelming Republican community they enforced the law up to the letter and debarred all of these people from registering, with the result that the votes that were lost were about four to one. The same thing took place at McGaheysville precinct. In 1900 there were 346 and in 1904 there were 178. At Elkton there were 344 in 1900 and in 1904 there were 189. The Republicans lost 146 and the Democrats lost 41. At Swift Run precinct, a precinct that usually goes 10 to 1 Republican, the vote dropped from 133 to 83, of which the Republicans lost 49 and the Democrats 1. You will see the system now. In those heavily Republican communities they enforced the law right to the letter and barred Republicans from registering on the books.

We can not complain of that, because that is a rigid observance of the election laws of the State. What we do complain of is the fact that they go into Albermarle County and Clarke County and Frederick County and different counties in the district and throw the doors open, putting on everybody that applies and apparently a good many who never applied, but simply had their names written on the books by the registrar.

In 1920 the great opportunity came for the perpetration of these practices. In that year the women were enfranchised for the first time in Virginia. It was apparent in the summer that the election was going to be close in that district, and so, as I pointed out here a minute ago, in Albermarle County and in Clarke County and in Frederick County, over 2,414 persons were put upon the registrar's books who had never made the semblance of an application to register.

They will tell you they were all intelligent people. They were not all intelligent people. They were ordinary people living in rural communities such as our district is mostly made up, probably the same sort of people who live in Rockingham. Hundreds of people can not register, because they can not pass the qualifications in a Republican community. So we found considerably over 2,000 votes on the registration books previous to the election of 1920. They say it happened before 1920. I never attacked a single vote in my notice of contest except those registered immediately previous to the 1920 election. I want to insist again, so far as I can see, the committee is not attempting to override the courts of Virginia, and I never contended that the members of the committee should. Every decision made in this case is based upon the decision of a case in a Virginia court, and they have so repeatedly decided—not our court of appeals, for their is no appeal to the court of appeals in a contested-election case in Virginia. The circuit court is the first and last of the courts of record to which you can go. The circuit courts of Virginia have repeatedly held that where persons' names have been put upon registration books without application to register that the registration is void, and that the person has no right to vote, and that the vote could not be counted, and it can be attacked at any time, even years after. That is the decision which this committee followed in this case. I am trying to sketch for you, gentlemen, the theory of our case.

Mr. COCKRAN. Will the gentleman yield?

Mr. PAUL. I will.

Mr. COCKRAN. Is it contended that these votes which the gentleman says were closely and unfairly scrutinized would have been cast for him if they had been accepted? Has the gentleman any figures to show exactly how many votes he lost by these alleged practices of which he complains?

Mr. PAUL. "Scrutinized"? I do not understand the gentleman.

Mr. COCKRAN. I mean can the gentleman show this House to what extent he was actually entitled to any votes which had been excluded by any of this procedure?

Mr. PAUL. The brief submitted before the committee shows absolutely every vote we contended is illegal, by every precinct. We itemized them one by one.

Mr. COCKRAN. How many of those by any degree of certainty can the gentleman claim should be counted for him?

Mr. PAUL. The committee adopted—there was no proof of the political affiliation of these people. The committee took the only possible method, as I understand it, and I assume the committee in formulating——

Mr. COCKRAN. There are two resolutions here—one declaring the seat vacant and the other declaring this gentleman was elected. Now, what I think the House would like to know is, Upon what basis does the gentleman claim that he had a majority of the votes?

Mr. PAUL. By the exclusion of the votes which were illegal.

Mr. COCKRAN. How does the gentleman know——

SEVERAL MEMBERS. Go ahead. Your time is limited.

Mr. COCKRAN. I think it is safer for the gentleman to go ahead; he can not stand any questions.

Mr. PAUL. I can stand questions. Now, gentlemen, here is the next question: It is stated that the committee threw out certain precincts for illegal registration. I am not, of course, authorized to interpret the mind or purpose of the committee. I know the contention I made before the committee, that wherever the committee could point to a person whose registration was illegal I asked that that illegal individual vote be thrown out, and I never asked that a precinct be eliminated on that account. [Applause.] I assume that the committee followed that. The third and one of the important qualifications of the Virginia election laws was also grossly violated in many precincts. Our constitution provides as a third great primary test of the voter's qualification and literacy that a person that registered since 1904 shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law might prescribe, and any voter registering prior to that date may be aided in preparing his ballot by the officers of the election.

As I said to you a moment ago, our ballot is a secret one in that no publicity is given to it. It is forbidden to give publicity to it before election. The voter must take the ballot and mark it properly without aid or help or written word or gesture, the law says. These were the three tests, the test of the voter's literacy and ability to vote, together with the payment of the poll tax six months before election and registration in conformity to the constitution.

Now, after they had put these persons on the registration books without any application for registration, they took them to the polls on election day, and the judges of election marked all their ballots for them. That happened, too, only in the communities which were Democratic.

The SPEAKER. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Speaker, I yield five minutes additional to the gentleman.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. PAUL. That happened, too, I say, only in the Democratic communities. In other words, we have Albemarle County, a county which we will admit is strongly Democratic, probably in the ratio of 3 to 1 or 3½ to 1, and there they put on the registration books hundreds and hundreds of persons without any application on their part for registry or any test as to their literacy. The same class of people is barred in the Republican communities. Then you come to the election day, and the judges of election take those persons who are illegally registered—and many of them could not possibly have registered—take them into the polling booths and mark their ballots for them.

I wish you would take these Democratic counties of Frederick, Clarke, and Albemarle and compare them with the conditions in Rockingham, Shenandoah, and Greene—those counties that are looked upon as strongly Republican or where at least the Republicans predominate. It is fraud on the wholesale. It is discrimination between communities, working and accomplishing, nevertheless, quite an effective result.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. PAUL. Yes; certainly.

Mr. LONGWORTH. How many Republicans were holding Federal offices in that district at the time of the election?

Mr. PAUL. I will say to the gentleman from Ohio that I know of no one who was holding office in my district at the time of this election or indeed for a very few months after the beginning of the Democratic administration on March 4, 1913.

Mr. LONGWORTH. Therefore what has the question of Federal patronage to do with it? What bearing has it?

Mr. PAUL. I can say that it has none. I do not understand that the sitting Member from the seventh district suggested that it did have any. He did not undertake, as I understood it, to involve me in any way with these matters.

I simply want to say this, gentlemen, in regard to throwing out certain precincts here: I insisted and asked that certain precincts in Albemarle County, Frederick County, and Clarke County be eliminated because of certain wholesale violations of the law that had occurred therein. Let me read you, for example, a summary of what was shown as to some of them. We will take the precinct of Scottsville in Albemarle County. Now, mark you, this Albemarle County is the county where the electoral board turned the ballots over to a man who had no more business to have those ballots in his hands than any passer-by along the road. They turned them over to him. They were sealed, and when he delivered the ballots over to the judges of election for use they were unsealed. It is also true that the man to whom they handed them was the active Democratic manager in the campaign that year.

That went to the whole proposition of the votes in Albemarle County. But, in addition to that, in Scottsville the registration books contained the names of 106 persons who had never made the slightest application to register in any way at all. The poll books did not conform to the registration books at all, because many persons were recorded as voting whose names could not be found on the registration books at all. Assistance by judges of election in marking the ballots was given to every person who desired it, or to any person upon whom any of the judges could impress their assistance. It developed that early in the day the judges threw the registration books up on the shelf because they said they were mixed up; and from that time on they used poll-tax lists, and if they could not find them on the poll-tax lists they asked George Robinson whether they were entitled to vote, and if George Robinson said they were they voted. [Laughter.]

A MEMBER. Let George do it. [Laughter.]

Mr. PAUL. In regard to the illegality of the election in this precinct, the contestee produced nine witnesses to combat our contention, and it developed on their own testimony that every one of them was an illegal voter. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, the gentleman from Massachusetts [Mr. DALLINGER], the chairman of this committee, stated that out of nine contests—I do not know whether they were all before his committee or not—eight Democrats had been seated. I want to say to the gentleman from Massachusetts that it is a great pity to blemish such a splendid record with the dastardly outrage perpetrated or attempted to be perpetrated to-day. [Applause on the Democratic side.]

Gentlemen of the House, this is one of the most remarkable cases that I have ever confronted, and the most remarkable, I expect, that this House has ever confronted or will confront. Here is the gentleman who has just spoken, the contestant, asking this House, asking you gentlemen on that side, because you are in the majority, to give him a seat in this Congress, and incidentally $15,000. Of course he cares nothing about that money I am sure (?), but he wants the seat and the honor of being a Member of Congress.

Yet there is not, gentlemen, one scintilla of fraud alleged in this entire election. There is not one charge of the illegal use of money, and I defy the chairman of this committee to show a single line of testimony charging that there was any illegal use of money, charging that any voter was intimidated or attempted to be intimidated, or that any applicant who made application to register was not registered, or that any qualified voter that made application to vote was refused in any precinct in the seventh district of Virginia.

Now is not that a remarkable contest where they are asking you gentlemen to unseat Mr. HARRISON?

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. HARDY of Texas. Is there any allegation that any citizen was denied any legal right?

Mr. HUDSPETH. Not a single one, and I defy any man to show it. I yield part of my time for any gentleman to take the record and show it, and this applies to the chairman or any Member on his side. There is not a single allegation, I will state to my colleague from Texas, that any man or any woman, white or black, who ever presented himself or herself to register that was not registered, or ever presented himself or herself to a judge of election who was not admitted to vote.

Is not that a remarkable contest? I know some of you gentlemen over there. I think some of you want to be fair. I do not want to make that statement general. No man can take the record, I will state to the gentleman from Massachusetts, and base an honest conviction on it that Tom Harrison ought to go out of this body and that Captain Paul ought to take his seat upon the record here made by Captain Paul himself.

Now gentlemen, I have heard it stated that he who asks equity ought to come into court with clean hands. Here is the contestant Captain Paul, who wants a seat in Congress and incidentally $15,000, who upon his own testimony violated

the law of his State in two particulars. First, it is against the law to vote an open ballot, so you claim, and I agree with that contention. If your contention is correct that is against the law, and yet Captain Paul voted an open ballot, spread it out on the table before the judges and bystanders.

Mr. MOORE of Virginia. Just the same sort of technical violations on which they seek to unseat Mr. Harrison.

Mr. HUDSPETH. Just the same on which the gentleman from Massachusetts is asking to unseat Tom Harrison, on technicalities, the merest irregularities. Paul violated it and he knows it and he dare not deny that he voted an open ballot.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. I will not yield. I have not much time. I want to tell you some of the facts. If you will yield your mind and it is an open one I will give you some facts that will cause you to cast an honest vote and I believe you want to do right if you can get out from under the crack of the Republican whip.

Mr. MONTAGUE. Will the gentleman yield for an interruption?

Mr. HUDSPETH. Yes. I do not want to mislead you gentlemen over on that side. I have nothing to yield to you on the Republican side. I know that. I know, gentlemen, that the steam roller is all greased and ready.

Mr. MONTAGUE. The very disqualifications that it is claimed would exclude Mr. Harrison are permitted to Mr. Paul.

Mr. HUDSPETH. Absolutely; and that is not all. It is against the law to give aid, suggestion, or memorandum, is it not? You said it was, Mr. DALLINGER. I believe the statute of Virginia says so and the constitution of Virginia says so. Yet here are some blanks, one of which I will place in the RECORD:

FORM OF APPLICATION TO REGISTER.

To ———, *Registrar:*

I apply to register in ——— precinct, ——— County, Va.
(1) My name is ——— ———.
(2) My age is — years.
(3) I was born at ——— on the — day of ———, 18—.
(4) My residence is ——— and has been for the last two years.
(5) My occupation is that of ——— and has been for the last two years.
(6) I have never voted.

(Signed) ——— ———.

This form can not be used when you go to register.
It is simply to show the manner in which the application must be made out and the facts necessary to state in your application.
Study this form and get familiar with it; you will then be able to write out your application for registration without any difficulty on the blank piece of paper furnished you by the registrar.

And Mr. Paul swore upon the stand that he distributed these blanks.

Mr. VAILE. Will the gentleman yield now?

Mr. HUDSPETH. No; I will not yield. I could not enlighten you in a thousand years.

Mr. VAILE. And I can not enlighten you.

Mr. HUDSPETH. And you can not enlighten me, a man that looks like you, the man that has the facial expression you exhibit at all times. I never know whether you are laughing at me or whether you are crying for me. No, my friend from Colorado, you can not enlighten me or anyone else. The gentleman from Massachusetts said it is against the law to give aid, suggestion, or memorandum to the applicant to register. Yet Captain Paul distributed these blanks to his friends, and he swears to it in his testimony, a plain violation of the law. I got these very blanks from him when he testified, and he swore that he distributed them. Yet he comes in here and asks you to unseat Tom Harrison. Is that all?

The gentleman from Massachusetts [Mr. DALLINGER] talks about the constitution of Virginia and says it is framed for the purpose of perpetuating the Democrats in power, and he talks about Senator CARTER GLASS, that arch political conspirator down there, as the Republicans would want to call him. You remember what he said about it. Well, Col. Henry W. Anderson, a distinguished Republican politician, strutted into this committee; and, by the way, my friends, he is the only man I ever saw in my life who could strut sitting down. [Laughter.] Colonel Anderson denounced this constitution in the vilest terms, saying it was framed by only 47 men, that it was never ratified by the people. Yet the people ratified it time and again, and they ratified it last year, when Colonel Anderson was a candidate, by 60,000 majority against him.

Mr. MOORE of Virginia. He denounces that constitution now, and yet several years after its adoption he applauded it.

Mr. HUDSPETH. Let me read you what he said. We have got it right here in black and white. Mr. DALLINGER, let us see what Mr. Paul's spokesman, Col. Henry W. Anderson, said. He was introducing President Taft on October 17, 1908. I am going to read to you, Mr. DALLINGER, what Colonel Anderson said about the constitution of Virginia—the man that you say gave the exposé of the law of Virginia. I want to read to you what he said about this constitution that you denounce and that Mr. Paul denounced, although he violated the law under it.

Mr. DALLINGER. I said it was framed for the purpose of perpetuating the dominant party in power.

Mr. HUDSPETH. You said it was for the purpose of perpetuating the Democrats in power and for the purpose of disfranchising the negro vote. Paul says in his testimony that there are no negro votes in the seventh district—are an infinitesimal number. So you could not disfranchise the negroes if there are none there. That is what Paul said. Let us see what Col. Henry W. Anderson said when he was introducing President Taft. He says:

The reason urged for the constitution of 1902 was that the adjustment of the problems which that instrument sought to settle would leave the people of this State free to divide upon economic questions, and thus increase the influence of Virginia in national affairs and promote the political and industrial progress of her people. The adoption of this constitution was the last step in the work of 40 years, which has placed the institutions of this State upon a sound basis, has assured the supremacy of intelligence in our government, and has opened to the people of all races and all classes the opportunity to reap and enjoy the rewards of good citizenship.

You see he says it would leave the people of this State free, not enslave them to Democracy, but leave them free to divide on economic questions, and assure the supremacy of intelligence in our government, and open to the people of all races—not a discrimination against the negro, as he stated when he addressed the committee, but to open to the people of all races and all classes an opportunity to reap and enjoy the rewards of good citizenship. Does that jibe with his statement before the committee and the statement of Mr. DALLINGER?

Now, my friend DALLINGER says that where a man made no application to register the vote ought to be thrown out, and the precinct.

Mr. DALLINGER. No; I did not say that.

Mr. HUDSPETH. Then I misunderstood you.

Mr. DALLINGER. We have not thrown out any precincts because of illegal registration, not a single one.

Mr. HUDSPETH. But in the report you do assign as a reason for the precincts you threw out that there was no application for registration and defective applications for registration. I will show it to you right here. Mr. DALLINGER in making up his report in order to unseat Harrison throws out certain precincts. Here is the statement made up by Captain Paul, in which he claims these precincts should be thrown out. It is too long to read the list, but he claims they should be thrown out because there was no application taken for registration. In the first report that the gentleman from Massachusetts [Mr. DALLINGER] filed, against which Judge MOORE made the point of order, in summing up Mr. Paul's majority they included the precinct of Berryville, which was carried by Mr. Paul. In the report that was actually printed they left that out. They did not need it. They had enough without it. They had just gone ahead in a hodgepodge and taken a certain number of precincts that Tom Harrison carried and thrown them out and elected Paul; and I insert it right here:

*Tabulation No. 1.*

REGISTRATIONS VOID FOR FAILURE TO MAKE ANY APPLICATION TO REGISTER.

(This tabulation shows the number of names upon the registration books at various precincts whose registration is void for failure to make application to register as provided by section 20 of the constitution of Virginia. In one column are shown the number of such persons who were specifically named in the notice of contest or the answer; in another column are shown the additional number of such registrations as were disclosed by the evidence but were not set up in the notice or answer.)

| Returned vote. | | | County or city and precinct. | Number of names set out in notice and answer whose registration is void. | Additional number of void registrations on books not set out in notice and answer, but shown by evidence. | Total void registration. | |
|---|---|---|---|---|---|---|---|
| Harrison. | Paul. | Total. | | | | | |
| | | | CHARLOTTESVILLE. | | | | |
| 189 | 94 | 283 | Third Ward..... | 49 | 27 | 76 | Registered by person not registrar and having no official capacity, pp.90-91,95-96. |
| 208 | 71 | 279 | Fourth Ward.... | 165 | 59 | 224 | Pp. 77, 81-82. |

*Tabulation No. 1*—Continued.

| Returned vote. | | | County or city and precinct. | Number of names set out in notice and answer whose registration is void. | Additional number of void registrations on books not set out in notice and answer, but shown by evidence. | Total void registration. | |
|---|---|---|---|---|---|---|---|
| Harrison. | Paul. | Total. | | | | | |
| | | | ALBEMARLE COUNTY. | | | | |
| 39 | 3 | 42 | Howardsville | 2 | 0 | 2 | P. 113. |
| 20 | 6 | 26 | Wingfields | 3 | 9 | 12 | Pp. 119, 121. |
| 84 | 34 | 118 | Monticello | 32 | 40 | 72 | Pp. 126, 130. |
| 48 | 15 | 63 | Proffit | 18 | 35 | 53 | Pp. 139, 141. |
| 69 | 48 | 117 | Earlysville | 16 | 6 | 22 | Pp. 150, 151. |
| 49 | 22 | 71 | Covesville | 14 | 46 | 60 | Pp. 217–222. |
| 160 | 20 | 180 | Scottsville | 76 | 30 | 106 | Pp. 24–7248. |
| | | | CLARKE COUNTY. | | | | |
| 309 | 60 | 369 | Berryville | 190 | 38 | 228 | Pp. 265–274. |
| 20 | 7 | 27 | Mount Airy | 2 | 33 | 35 | P. 278. |
| 107 | 36 | 143 | White Post | 36 | 87 | 123 | Pp. 282–283. |
| 10 | 10 | 20 | Turners Shop | 2 | 0 | 2 | P. 312. |
| 129 | 66 | 195 | Millwood | 38 | 0 | 38 | Pp. 319–323. |
| 176 | 79 | 255 | Newtown (or Stephens City). | 42 | 143 | 185 | Pp. 393–395. |
| 157 | 80 | 237 | Middletown | 58 | 120 | 178 | Pp. 400–401. |
| 25 | 22 | 47 | Dry Run | 0 | 10 | 10 | P. 411. |
| 7 | 29 | 36 | Lamps | 0 | 4 | 4 | Pp. 415–416. |
| 79 | 56 | 135 | Kernstown | 7 | 78 | 85 | P. 419. |
| 52 | 18 | 70 | Old Forge | 2 | 32 | 34 | P. 425. |
| 12 | 26 | 38 | Armel | 6 | 21 | 27 | P. 427. |
| 56 | 75 | 131 | Carpers Valley | 21 | 44 | 65 | P. 430. |
| 30 | 67 | 97 | Gainsboro | 15 | 14 | 29 | P. 434. |
| 77 | 123 | 200 | White Hall | 13 | 62 | 75 | Pp. 436–437. |
| 111 | 65 | 176 | Brucetown | 24 | 54 | 78 | P. 439. |
| 120 | 118 | 238 | Neffstown | 70 | 20 | 90 | Pp. 405–407. |
| 12 | 19 | 31 | Yeakleys | 1 | 2 | 3 | P. 443. |
| 49 | 38 | 87 | Gore | 4 | 2 | 6 | Pp. 445–446. |
| 73 | 43 | 116 | Greenwood | 3 | 15 | 18 | Pp. 447–448. |
| | | | WINCHESTER. | | | | |
| 353 | 359 | 712 | First ward | 149 | 768 | 917 | Pp. 475, 479, 483. |
| 417 | 337 | 754 | Second ward | 92 | 824 | 916 | Pp. 500–508. |
| | | | PAGE COUNTY. | | | | |
| 166 | 207 | 373 | Shenandoah | 120 | 121 | 241 | Pp. 545–546. |
| 3 | 24 | 27 | Jolletts | 0 | 7 | 7 | P. 917. |
| 40 | 72 | 112 | Springfield | 0 | 10 | 10 | P. 948, 952–953. |
| 48 | 68 | 116 | Rileyville | 0 | 41 | 41 | Pp. 1007, 1011–1013. |
| 37 | 79 | 116 | Honeyville | 0 | 22 | 22 | Pp. 1069–1072. |
| | | | RAPPAHANNOCK COUNTY. | | | | |
| 75 | 26 | 101 | Flint Hill | 24 | 1 | 25 | Pp. 582–583. |
| | | | SHENANDOAH COUNTY. | | | | |
| 278 | 327 | 605 | Courthouse | 226 | 28 | 254 | Pp. 557–559. |
| 142 | 185 | 327 | Town Hall | 103 | 49 | 152 | Pp. 561–563. |
| 159 | 158 | 317 | New Market | 99 | 145 | 244 | Pp. 570–571. |
| 28 | 100 | 128 | Cabin Hill | 29 | 17 | 46 | Pp. 716, 724. |
| 39 | 98 | 137 | St. Lukes | 31 | 34 | 65 | Pp. 728, 735–736. |
| 35 | 82 | 117 | Fishers Hill | 25 | 26 | 51 | P. 795. |
| | | | ROCKINGHAM COUNTY. | | | | |
| 130 | 93 | 223 | Mount Crawford | 82 | 71 | 153 | Pp. 534–535. |
| 4,427 | 3,565 | 7,992 | | 1,889 | 3,194 | 5,083 | |

The above tabulation contains only those precincts at which there were no applications of any sort, and shows that at these precincts casting 7,992 votes there were 5,083 void registrations. These registrations are so plainly void and constitute such a large percentage of the persons voting that it seems apparent that the entire vote should be thrown out. To these are yet to be added other precincts at which assistance was given registrants to an extent making their applications a complete nonconformity with section 20 of the Constitution, as will appear from other tabulations filed.

But if you are throwing them out because there were no applications taken I want to ask you why you did not throw them out in Lindsay, Shirley, Port Republic, Newport, Berryville, Jolletts, and these other precincts? There were no applications taken there. Why did not he include them in the list when you went to make it up?

I want to tell you gentlemen how they figured it. They first started in for the purpose of throwing out Mr. Harrison and they agreed with the minority of the committee that the defective applications stood alongside of where they made no application. They found that would increase the Harrison majority by 622 and you could not get the $15,000 and Harrison seat that way. That would not do. Then they grouped a lot of precincts together where Mr. Harrison had carried them and threw them out and in that vote of the precincts that you threw out, Mr. Harrison got 3,900 votes and Paul got 2,200. This may not be the exact figures, but close to it. If they were thrown out on the ground that no applications were required, why did they not throw out the other precincts? Because he did not need them; he had enough without them.

Mr. LONDON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. LONDON. Does the law of Virginia permit a correction of the registration?

Mr. HUDSPETH. Yes, it provides that it can be corrected in only one way, that is that the registrar can go before the district judge and ask that it be purged, 30 days before the election, or any three citizens, or the contestant could have done so. The contestant did not do it and never has done it until this good hour. He ran in 1916 under the same system that was in vogue then and has been in vogue since 1902. He never has asked to have the registration purged. The gentleman from Massachusetts [Mr. DALLINGER] states that he was not a candidate in 1918, but his friends placed his name on the ballot. True he was fighting in the Argonne, but he was not fighting in the Argonne on the 7th of last November, he was fighting in Piedmont Valley and in the valley of the Shenandoah for an office which he lacked over 5,000 ballots of getting. Under the same system, with the same registration books that he has complained of, he has never asked that they be purged in the way that the law directs. He never has asked it up to this good hour. Mr. Harrison snowed him under by over 5,000. Now Captain Paul says there was a strict observance of the law in Albemarle and Shenandoah. He says that they observed the law strictly. Let me call to your mind, Captain Paul and the gentleman from Massachusetts, chairman of this committee, that in the recent election these counties went as strongly Democratic as any other county in the district. This seventh district of Virginia was never Republican and it never will be. But, you gentlemen are making it stronger Democratic by your high-handed procedure in this case.

What do you base it on? You say you will carry it in the next election, and as far as that goes you Republicans will say anything, but you have nothing to back it up.

Mr. WOODS of Virginia. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WOODS of Virginia. Can the gentleman tell us how many votes they disfranchised?

Mr. HUDSPETH. Five thousand.

Mr. WOODS of Virginia. Is it not 7,608? There were 25,994 cast and they gave 18,308 under the reform procedure.

Mr. HUDSPETH. Yes, the gentleman is right; it was over 7,000. Under this constitution, under the same system, the nnth district, until this report was made taking away the rights of the people of the seventh district—the ninth district had been Republican during Mr. SLEMP'S time, and his father before him—and I do not know but that his grandfather may have held the office. Anyway it has been in the Slemp family a lifetime; but a Republican will never tarnish the office again. It has been, ever since I have watched the history of Virginia, until you gentleman wanted this $15,000. That is all there is to it; you are attempting to take away the rights of the people down there and prostitute their will. Why do you say Mr. Harrison's majority was so small? I will tell you: They had a hot contest in 1920 in the Democratic primaries over the liquor question. You know what bitterness is always engendered by the liquor question. One candidate, Mr. Leedy, was in favor of light wines and beer and Mr. Harrison was in favor of the Volstead Act. There was a great fight and much bitterness was engendered, and it was carried into the general election and there was almost as great a landslide against the Democrats as we discovered against the Republicans on the 7th of last November. These things detracted from the Democratic vote. But, gentlemen, when they read the report of this committee they came back into the faith of their fathers and the good old Democratic fold. In the very counties Mr. Paul says there was a strict observance of the law there was the largest Democratic gain.

Now, in one instance where the registrar sent a woman back to get educated, as Mr. Paul says, I asked him about this and he said he educated them on the blank I exhibited, so that they could vote, although it was in violation of the law. They told this woman to go back and be educated, and she did not come back. That is the only person that made application to register that was not registered in this entire record. You know it, every man on that side knows it, and every member of the committee knows it.

Talk about irregularities; the gentleman from Massachusetts [Mr. DALLINGER] threw out certain precincts because the ballot box was not kept in sight of the people. That occurred at Edinburg. It is testified that the ballot box was not at all times in public view; furthermore, why did you not tell the House that some gentlemen took tickets and went out and distributed them in the street to his henchmen. This was a Republican up at Edinburg. That is the only place I recall, just a mere technicality, no fraud alleged, no illegal use of money; but they did not have the box in sight all the time. Now, at Charlottesville the women had been enfranchised just before the election. The testimony is that the Republicans had been instructed to vote early, for if they did not vote early the Democrats would be in line and keep them out. The Republican women went to the polls and the Democratic and Republican judges had to request them to leave and get out.

They were nearly all Republican ladies. That is the testimony. Why do you not give them the record? I call the attention of the chairman to the testimony. They have been talking about aid. If you registered prior to 1904 and were on the permanent roll in Virginia you could get aid, if you desired. There were many registered at that time. The testimony is that in a number of precincts—I could not take the time to enumerate—the Republican and Democratic judges insisted upon the request of the Republican Party leaders in giving aid and assistance to voters. At one precinct, Fishers Hill, I believe it was, there was a Republican judge and two Democratic judges. One of the Democratic judges said that they were going to conduct this election according to law; that they were not going to give any aid. Then the other Democratic judge and the Republican judge said if that were the case, if they were going to conduct it in that way, they might just as well close the polls at that time, because they had always given aid and assistance, and they overruled the Democratic judge and did give that assistance. That is a part of this record. It shows that out of 2,400 votes that Paul claimed were illegal on account of no registration or that were there with the defective applications, he got a large majority of the benefit from them. That is this record, and I defy any man on that committee to go into it and get up here and state differently.

Mr. WOODS of Virginia. Did not Mr. Paul state before the gentleman's committee that he did not lose anything by these irregular votes?

Mr. HUDSPETH. He did. The statute provides that you must make application. I think that is mandatory, regardless of the able decision rendered by Judge Christian in the Suffolk local option case. I think it is mandatory that you must make out the application in your own handwriting without aid or suggestion or memorandum. The statute requires that sort of application, and that should be made. There were a number of defective applications where the man would say that he was of age and had never voted before and did not state on the application where he lived. There were numbers of those. If you took those defective applications, and where there were no applications at all, and you were to throw them out—and if you threw out one you would have to throw out the other—in other words, if you adhered to the strict letter of the law in the great State of Virginia it would increase Tom Harrison's vote by 622, and you know it.

Mr. MOORE of Virginia. The gentleman has stated correctly, because I know the record, that there is no taint of fraud shown, no willful impropriety, in the conduct of this election.

Mr. HUDSPETH. No.

Mr. MOORE of Virginia. But that the result is based on a charge that there were technical irregularities. When the case started the charge stressed was that there was a failure to pay the capitation tax, but they did not stand to that.

Mr. HUDSPETH. No, because it did not give them enough votes to throw Tom Harrison out and permit Paul to embezzle the seat.

Mr. MOORE of Virginia. They changed their footings.

Mr. HUDSPETH. Yes. That is the reason they run away from that charge. Of course we are all agreed that the law requires a poll-tax payment, and as they had not paid the poll tax the law says that they are not entitled to vote. To adhere strictly to the law in that respect as I recall would have increased Paul's vote by 62 votes. If all the votes claimed to have been cast for Harrison and for Paul where they did not pay the capitation tax were thrown out it would have increased the vote of Mr. Paul by 62. But he needed 448. Then they had to go out and throw out a lot of precincts helter skelter, without rhyme or reason. Paul must have the seat and the Republican Party a part of the $15,000 as I believe. For instance, they threw out a lot of precincts in Tom Harrison's home county, but every one that they threw out was one that Harrison carried. They did not throw out any that Paul carried where there were some irregularities—not one precinct. Yet the chairman says that they want to be fair in this contest.

Mr. Speaker, I do not know, of course I have my own ideas, and my idea is that I think I see the steam roller coming. As I understand it, they figured that they would pull this thing off two or three days before the 4th of March, but they thought that it would not do to go back down there to the people of Virginia in that way, that that would be such a high-handed procedure so flagrant and raw that they better give two or three months and let Paul sit here a little while, and give a show of decency and having earned his salary. I have great respect and admiration for a man who wore the uniform of his country and fought across the seas for its preservation. That commands the admiration of every red-blooded American, but, Mr. Speaker, that does not entitle him to come back here and filch from the people of Virginia a seat in Congress that they have chosen Harrison to represent, and he knows it. However, you have the majority now, and I want to congratulate the majority on one thing, and say to them, that this is the only way in this country, now and this year, that you can win an election for Congress. The only way to do it is the way you are proceeding now. I think that you are going to follow the steering committee, I think that you are going to follow the crack of the whip, and I want to say to you, Captain Paul, that Tom Harrison came into this body with his head up and he will go out with his head up, and he will come back after the 4th of next March with his head up.

He will be able to look the people of Virginia in the face and to look his constituents in the face, and his children in future years will be able to point with pride to the fact that their father was a duly elected Representative from the State of Virginia; but I want to say, Captain, if you have any children, that I doubt very much if they will ever have the temerity to refer to the fact that you were a Member of this Congress. I doubt it very seriously. I doubt if they will ever refer to that fact, or that your grandchildren will, if you have any.

Let me say in conclusion that I have practiced a little in the courts of my country. I have practiced on the frontiers before good courts and bad courts, and in a few instances before kangaroo judges. I have practiced in Mexico over on the other side of the Rio Grande, where in times past the man who had the most political influence won his case in court. While I never appeared before him, I had acquaintance with the celebrated justice of the peace, Roy Bean—the law west of the Pecos. You have seen his name mentioned in western stories many times and in books and newspapers. He was the man who tried people for horse stealing and sent them to the penitentiary or started them on their way. I have known of his decisions where he has divorced people from one another and married them over again at $50 a shot. I remember one decision where a Chinaman fell off the Pecos bridge. He had $50 in his jeans and besides carried a six shooter. Judge Bean had his body brought before him and fined him $50 for carrying a gun.

But I have never seen as great an outrage, such a pernicious verdict, such a gross perversion of justice perpetrated by this or any other body—judicial, semijudicial, legislative, or otherwise—and I trust I will never see it again so long as God permits me to live. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Speaker, I would like to be notified one minute before my time expires. How much time have I remaining?

The SPEAKER. The gentleman has 11 minutes remaining.

Mr. DALLINGER. Mr. Speaker, in bringing this debate to a close I want to reiterate what I said at the beginning, that if there is any one thing which I have tried to do as a Member of Congress it is to have these contested-election cases determined absolutely upon their merit—upon the law and the facts—regardless of any partisan or personal considerations. There is no reason, with the overwhelming majority which we have in this Congress, why we should unseat or seat any man for partisan reasons. The only question here is, who was elected in the seventh Virginia district not in 1922 but in 1920? It is to that question and to that question alone which your Committee on Elections No. 1 devoted its attention, and no matter how you figure it out Captain Paul was elected a Member of Congress from that district. [Applause.] Now, I wish to correct one or two misapprehensions raised by the gentleman from Texas [Mr. HUDSPETH], first, in regard to the printed form of application which he says was used by the Republicans. In the Republican parts of this district this con-

stitution which gives the control of all the registration and election machinery entirely into the hands of one party—so justly criticized by that great Democrat, Mr. Bryan—was enforced in all its rigor and with all its little details and at the same time was not enforced in the Democratic parts of the district. The result was that in those Republican parts of the district the Republicans had to go to school. They knew they would be held up to the strict provisions of the constitution, and so the Republican committee prepared these applications which the gentleman would have you believe were taken into the registration booths by the Republican voters. Not at all. They had them outside so that they could learn by heart what they would be required to do and how they must make out the application to the registrar.

In other words, they committed this form to memory so that they could go into the registration booths before a Democratic registrar and make application before him without assistance, suggestion, or memorandum from any person whatsoever. And the Republican committee in distributing these forms of application have in great big letters at the bottom of it this injunction, "Can not be used when you go to register." Yet the gentleman from Texas would have you believe that they took these forms in the registration booths.

Mr. MONDELL. If the gentleman will permit, that form is simply a copy of the constitution of the State.

Mr. DALLINGER. Certainly; a copy of the registration provisions of the constitution that they studied before they went in. Now, in the Democratic parts of the district, particularly in Albermarle County, the Democratic registrars put men and women on the voting list who never filed any application whatever, and that fact was drawn ou. reluctantly from these hostile witnesses. They were asked under oath if they had required written applications, and they knew that if they said "yes" they would be asked to produce them. As Judge McLemore well said in the Virginia case, if the Virginia constitution is not mandatory——

Mr. GILBERT. Will the gentleman yield?

Mr. DALLINGER. I can not yield. The registrar might sit in his own home and put men and women on the voting list. There was no way of finding out who these illegal voters were at the election of 1920. Although the law provided that they must post a list of registered voters, these Democratic officials neglected to do it and there was no way you could find out who these illegal voters were until after the election took place.

Do not let any man on either side of the House misunderstand this situation. We eliminated no precinct because of illegal registration, absolutely none, and without eliminating a single precinct, but simply deducting the illegal votes pro rata, on the law and the facts Captain Paul is elected by 1,352 majority. [Applause.] We did, however, as a matter of justice and of right, following the precedents of Congress, reject the vote of those precincts where we found in the conduct of the election such a gross disregard of all the safeguards put in the constitution and laws of Virginia around the right to vote, the preparation of ballots before election, the secrecy of the ballots during the election, or the counting of the ballots after election, or all of them, that it could not be said that there was a legal election in those precincts. Oh, my friends, I am not here to divulge any of the secrets of my committee, but I know that the three Democratic members of this committee know at the bottom of their hearts that there was not a legal election in many of those precincts, and that Judge Harrison was not elected a Member of this House. What we did was this: We found on the law and the facts that certain precincts ought to be thrown out; that certain illegal votes in the other precincts should be deducted pro rata, in accordance with congressional precedents, and we found that Captain Paul was elected by a majority of 1,556. We then for the moment disregarded the misconduct of the election and did not throw any precinct out, but left all of them in, and, as counsel of the contestee insisted all through the record, we confined both parties to the names mentioned in their pleadings, and Captain Paul was still elected.

Then we deducted the defective applications that were actually proved to be defective, and Captain Paul was still elected. Then we admitted a lot of defective applications that were not mentioned in the pleadings that both parties put in, where they were actually defective—and there was testimony that the applicants had actually voted at the election—and still Captain Paul was elected.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. MONDELL. In other words, you gave the sitting Member the benefit of every doubt?

Mr. DALLINGER. Absolutely; just as I gave him the benefit of the doubt when he appeared before the committee. I have served with him in four Congresses. I know him. I did not know the other man. But, Mr. Speaker, no personal considerations should enter into this matter. The gentleman from Virginia [Mr. Harrison] has gotten up here before you and spent half his time in attacking a Member of this House from another district for something that he says occurred in 1921 in another part of the State. It has nothing to do with this case. The question of whether Judge Harrison is an honest man or a pleasant companion has nothing to do with the case. It is a case solely of who was elected a Representative in Congress from the seventh Virginia district at the November election in 1920.

Something has been said about technicalities. Let me call your attention to the fact, shown on page 402 of Rowell's Digest of Contested Election Cases, that in the Forty-eighth Congress, in the case of O'Farrell versus Paul, a Democratic House unseated Captain Paul's father, not because certain men had not paid their poll tax, as required by the Virginia election law, and the money had not gone into the State treasury, but because some particular official had not given them a tax receipt.

I ask you today to give this man, whom you may not have met before this day, who fought for his country in the Argonne during the World War, a fair and square deal, which the Democratic election officials of the State of Virginia have refused to give him. [Applause on the Republican side.]

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the adoption of the resolution.

Mr. GARRETT of Tennessee. Is the gentleman going to cut off debate now?

The SPEAKER. The question is on the motion ordering the previous question.

The question was taken, and the Speaker announced that the motion was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Tennessee demands a division.

The House divided; and there were—ayes 170, noes 84.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of ordering the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 203, nays 96, answered "present" 1, not voting 130, as follows:

YEAS—203.

| | | | |
|---|---|---|---|
| Ackerman | Ellis | Ketcham | Patterson, N. J. |
| Andrews, Nebr. | Evans | Kiess | Perkins |
| Ansorge | Fairfield | Kirkpatrick | Porter |
| Anthony | Faust | Kissel | Pringey |
| Appleby | Fenn | Kleczka | Purnell |
| Arentz | Fess | Kline, N. Y. | Ramseyer |
| Atkeson | Fish | Kline, Pa. | Ransley |
| Barbour | Fitzgerald | Knutson | Reece |
| Beck | Focht | Kopp | Reed, N. Y. |
| Begg | Fordney | Kraus | Reed, W. Va. |
| Benham | Foster | Kreider | Rhodes |
| Bird | Frear | Larson, Minn. | Ricketts |
| Bixler | Free | Lawrence | Riddick |
| Bland, Ind. | French | Leatherwood | Roach |
| Boies | Fuller | Lehlbach | Robsion |
| Bond | Funk | Lineberger | Rodenberg |
| Brennan | Gahn | Little | Rogers |
| Brooks, Ill. | Gensman | Longworth | Sanders, Ind. |
| Brooks, Pa. | Gernerd | Luhring | Scott, Mich. |
| Brown, Tenn. | Gifford | McKenzie | Scott, Tenn. |
| Burroughs | Glynn | McLaughlin, Mich. | Shelton |
| Burtness | Graham, Ill. | McLaughlin, Nebr. | Sinclair |
| Burton | Graham, Pa. | McLaughlin, Pa. | Sinnott |
| Cable | Green, Iowa | McPherson | Slemp |
| Chalmers | Greene, Mass. | MacGregor | Smith, Idaho |
| Chandler, N. Y. | Greene, Vt. | MacLafferty | Snyder |
| Chindblom | Hadley | Madden | Speaks |
| Christopherson | Hardy, Colo. | Maloney | Sproul |
| Clague | Haugen | Mapes | Stafford |
| Clarke, N. Y. | Hawley | Merritt | Stephens |
| Classon | Hays | Michener | Strong, Kans. |
| Clouse | Hersey | Miller | Strong, Pa. |
| Cole, Iowa | Hickey | Mills | Summers, Wash. |
| Colton | Hicks | Mondell | Sweet |
| Cooper, Ohio | Hill | Montoya | Taylor, N. J. |
| Cooper, Wis. | Himes | Moore, Ohio | Taylor, Tenn. |
| Coughlin | Hoch | Moores, Ind. | Temple |
| Cramton | Huck | Morgan | Thompson |
| Crowther | Hukriede | Mott | Thorpe |
| Curry | Humphrey, Nebr. | Murphy | Tilson |
| Dale | Ireland | Nelson, Me. | Timberlake |
| Dallinger | James | Newton, Minn. | Tincher |
| Darrow | Johnson, S. Dak. | Newton, Mo. | Towner |
| Denison | Johnson, Wash. | Paige | Treadway |
| Dickinson | Kearns | Parker, N. J. | Underhill |
| Dowell | Kelley, Mich. | Parker, N. Y. | Vaile |
| Elliott | Kendall | Patterson, Mo. | Vestal |

| | | | |
|---|---|---|---|
| Voigt | Watson | Williamson | Wurzbach |
| Walters | Webster | Winslow | Wyant |
| Ward, N. Y. | White, Kans. | Wood, Ind. | Young |
| Wason | Williams, Ill. | Woodruff | |

NAYS—96.

| | | | |
|---|---|---|---|
| Abernethy | Driver | Lazaro | Rouse |
| Aswell | Dupré | Lea, Calif. | Rucker |
| Bankhead | Favrot | Linthicum | Sanders, Tex. |
| Barkley | Fields | Logan | Sandlin |
| Bell | Fisher | Lowrey | Sears |
| Black | Fulmer | Lyon | Sisson |
| Bland, Va. | Garner | McClintic | Smithwick |
| Blanton | Garrett, Tenn. | McDuffie | Steagall |
| Bowling | Garrett, Tex. | McSwain | Stedman |
| Box | Gilbert | Mansfield | Stevenson |
| Briggs | Hardy, Tex. | Martin | Sumners, Tex. |
| Buchanan | Hayden | Montague | Swank |
| Bulwinkle | Hooker | Moore, Va. | Taylor, Colo. |
| Byrnes, S. C. | Huddleston | O'Connor | Thomas |
| Byrns, Tenn. | Hudspeth | Oldfield | Turner |
| Campbell, Pa. | Humphreys, Miss. | Oliver | Tyson |
| Cantrill | Jeffers, Ala. | Parks, Ark. | Upshaw |
| Collier | Johnson, Ky. | Pou | Vinson |
| Collins | Johnson, Miss. | Quin | Ward, N. C. |
| Connally, Tex. | Jones, Tex. | Rainey, Ala. | Weaver |
| Crisp | Kincheloe | Raker | Wilson |
| Davis, Tenn. | Lanham | Rankin | Wingo |
| Dominick | Lankford | Rayburn | Woods, Va. |
| Drewry | Larsen, Ga. | Riordan | Wright |

ANSWERED "PRESENT"—1.

London

NOT VOTING—130.

| | | | |
|---|---|---|---|
| Almon | Dyer | Kunz | Rossdale |
| Anderson | Echols | Lampert | Ryan |
| Andrew, Mass. | Edmonds | Langley | Sabath |
| Bacharach | Fairchild | Layton | Sanders, N. Y. |
| Beedy | Freeman | Lee, Ga. | Schall |
| Blakeney | Frothingham | Lee, N. Y. | Shaw |
| Bowers | Gallivan | Luce | Shreve |
| Brand | Goldsborough | McArthur | Siegel |
| Britten | Goodykoontz | McCormick | Smith, Mich. |
| Browne, Wis. | Gorman | McFadden | Snell |
| Burdick | Gould | Magee | Steenerson |
| Burke | Griest | Mead | Stiness |
| Butler | Griffin | Michaelson | Stoll |
| Campbell, Kans. | Hammer | Moore, Ill. | Sullivan |
| Cannon | Harrison | Morin | Swing |
| Carew | Hawes | Mudd | Tague |
| Carter | Henry | Nelson, A. P. | Taylor, Ark. |
| Chandler, Okla. | Herrick | Nelson, J. M. | Ten Eyck |
| Clark, Fla. | Hogan | Norton | Tillman |
| Cockran | Hull | O'Brien | Tinkham |
| Codd | Husted | Ogden | Tucker |
| Cole, Ohio | Hutchinson | Olpp | Vare |
| Connolly, Pa. | Jacoway | Osborne | Volk |
| Copley | Jefferis, Nebr. | Overstreet | Volstead |
| Crago | Jones, Pa. | Park, Ga. | Wheeler |
| Cullen | Kahn | Perlman | White, Me. |
| Davis, Minn. | Keller | Petersen | Williams, Tex. |
| Deal | Kelly, Pa. | Radcliffe | Wise |
| Dempsey | Kennedy | Rainey, Ill. | Woodyard |
| Doughton | Kindred | Reber | Yates |
| Drane | King | Robertson | Zihlman |
| Dunbar | Kitchin | Rose | |
| Dunn | Knight | Rosenbloom | |

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Andrew of Massachusetts (for) with Mr. Cockran (against).

Mr. Radcliffe (for) with Mr. Tucker (against).

Mr. Dunbar (for) with Mr. Brand (against).

Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Bacharach (for) with Mr. Park of Georgia (against).

Mr. Edmonds (for) with Mr. Lee of Georgia (against).

Mr. Olpp (for) with Mr. Kitchin (against).

Mr. Cole of Ohio (for) with Mr. Tague (against).

Mr. Griest (for) with Mr. Crago (against).

Mr. Hogan (for) with Mr. Deal (against).

Mr. Vare (for) with Mr. Sullivan (against).

Miss Robertson (for) with Mr. Mead (against).

Mr. McArthur (for) with Mr. Cullen (against).

Mr. Lee of New York (for) with Mr. Carew (against).

Mr. Moore of Illinois (for) with Mr. Kindred (against).

Mr. Henry (for) with Mr. Griffin (against).

Mr. Echols (for) with Mr. Ten Eyck (against).

Mr. Chandler of Oklahoma (for) with Mr. Almon (against).

Mr. Hutchinson (for) with Mr. Gallivan (against).

Mr. Connally of Pennsylvania (for) with Mr. Rainey of Illinois (against).

Mr. Kahn (for) with Mr. Goldsborough (against).

Mr. Michaelson (for) with Mr. Wise (against).

Mr. Dyer (for) with Mr. O'Brien (against).

Until further notice:

Mr. Davis of Minnesota with Mr. Kunz.

Mr. King with Mr. Overstreet.

Mr. Morin with Mr. Taylor of Arkansas.

Mr. Frothingham with Mr. Carter.

Mr. Keller with Mr. Williams of Texas.

Mr. Mudd with Mr. Doughton.

Mr. Jones of Pennsylvania with Mr. Stoll.

Mr. Butler with Mr. Drane.

Mr. Britten with Mr. Hammer.

Mr. Osborne with Mr. Tillman.

Mr. Beedy with Mr. Sabath.

Mr. Magee with Mr. Hawes.

Mr. Lampert with Mr. Jacoway.

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered, and the question is on agreeing to the resolution.

Mr. BULWINKLE. Mr. Speaker, I demand a division of the resolution.

The SPEAKER. The gentleman has that right. The Clerk will report the first half of the resolution.

The Clerk read as follows:

*Resolved*, That Thomas W. Harrison was not elected a Member of the House of Representatives from the seventh congressional district of the State of Virginia in this Congress and is not entitled to retain a seat herein.

The SPEAKER. The question is on agreeing to that part of the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 100, answered "present" 2, not voting 125, as follows:

YEAS—203.

| | | | |
|---|---|---|---|
| Ackerman | Fairfield | Kline, Pa. | Ricketts |
| Andrew, Mass. | Faust | Knutson | Riddick |
| Andrews, Nebr. | Fenn | Kopp | Roach |
| Ansorge | Fess | Kraus | Robsion |
| Appleby | Fish | Kreider | Rodenberg |
| Arentz | Fitzgerald | Larson, Minn. | Rogers |
| Atkeson | Focht | Lawrence | Sanders, Ind. |
| Barbour | Fordney | Leatherwood | Scott, Mich. |
| Beck | Frear | Lehlbach | Scott, Tenn. |
| Begg | Free | Lineberger | Shelton |
| Benham | French | Little | Sinclair |
| Bird | Fuller | Longworth | Sinnott |
| Bixler | Funk | Luhring | Slemp |
| Blakeney | Gahn | McKenzie | Smith, Idaho |
| Bland, Ind. | Gensman | McLaughlin, Mich. | Snyder |
| Boies | Gernerd | McLaughlin, Nebr. | Speaks |
| Bond | Gifford | McLaughlin, Pa. | Sproul |
| Brennan | Glynn | McPherson | Stephens |
| Brooks, Ill. | Goodykoontz | MacLafferty | Strong, Kans. |
| Brooks, Pa. | Graham, Ill. | Madden | Strong, Pa. |
| Brown, Tenn. | Graham, Pa. | Maloney | Summers, Wash. |
| Burdick | Green, Iowa | Mapes | Sweet |
| Burroughs | Greene, Mass. | Merritt | Taylor, N. J. |
| Burtness | Greene, Vt. | Michener | Taylor, Tenn. |
| Burton | Hadley | Miller | Temple |
| Cable | Hardy, Colo. | Mills | Thompson |
| Cannon | Haugen | Mondell | Thorpe |
| Chalmers | Hawley | Montoya | Tilson |
| Chandler, N. Y. | Hays | Moore, Ohio | Timberlake |
| Chindblom | Hersey | Moores, Ind. | Tincher |
| Christopherson | Hickey | Morgan | Towner |
| Clague | Hicks | Mott | Treadway |
| Clarke, N. Y. | Hill | Murphy | Vaile |
| Classon | Himes | Nelson, Me. | Vestal |
| Clouse | Hoch | Newton, Minn. | Voigt |
| Cole, Iowa | Huck | Newton, Mo. | Walters |
| Colton | Hukriede | Paige | Ward, N. Y. |
| Cooper, Ohio | Humphrey, Nebr. | Parker, N. J. | Wason |
| Coughlin | Ireland | Parker, N. Y. | Watson |
| Cramton | James | Patterson, Mo. | Webster |
| Crowther | Johnson, S. Dak. | Patterson, N. J. | White, Kans. |
| Curry | Johnson, Wash. | Perkins | Williams, Ill. |
| Dale | Kearns | Porter | Williamson |
| Dallinger | Kelley, Mich. | Pringey | Winslow |
| Darrow | Kendall | Purnell | Wood, Ind. |
| Denison | Ketcham | Ramseyer | Woodruff |
| Dickinson | Kiess | Ransley | Wurzbach |
| Dowell | Kirkpatrick | Reece | Wyant |
| Elliott | Kissel | Reed, N. Y. | Young |
| Ellis | Kleczka | Reed, W. Va. | Zihlman |
| Evans | Kline, N. Y. | Rhodes | |

NAYS—100.

| | | | |
|---|---|---|---|
| Abernethy | Connally, Tex. | Huddleston | Mansfield |
| Aswell | Crisp | Hudspeth | Martin |
| Bankhead | Davis, Tenn. | Humphreys, Miss. | Montague |
| Barkley | Dominick | Jeffers, Ala. | Moore, Va. |
| Bell | Drewry | Johnson, Ky. | O'Connor |
| Black | Driver | Johnson, Miss. | Oldfield |
| Bland, Va. | Dupré | Jones, Tex. | Oliver |
| Blanton | Favrot | Kincheloe | Parks, Ark. |
| Bowling | Fields | Lanham | Pou |
| Box | Fisher | Lankford | Quin |
| Briggs | Foster | Larsen, Ga. | Rainey, Ala. |
| Buchanan | Fulmer | Lazaro | Raker |
| Bulwinkle | Garner | Lea, Calif. | Rankin |
| Byrnes, S. C. | Garrett, Tenn. | Linthicum | Rayburn |
| Byrns, Tenn. | Garrett, Tex. | Logan | Riordan |
| Campbell, Pa. | Gilbert | Lowrey | Rouse |
| Cantrill | Hardy, Tex. | Lyon | Rucker |
| Cockran | Hawes | McClintic | Sanders, Tex. |
| Collier | Hayden | McDuffie | Sandlin |
| Collins | Hooker | McSwain | Sears |

| | | | |
|---|---|---|---|
| Sisson | Stevenson | Turner | Weaver |
| Smithwick | Sumners, Tex. | Tyson | Wilson |
| Stafford | Swank | Upshaw | Wingo |
| Steagall | Taylor, Colo. | Vinson | Woods, Va. |
| Stedman | Thomas | Ward, N. C. | Wright |

ANSWERED "PRESENT"—2.

| | |
|---|---|
| London | Underhill |

NOT VOTING—125.

| | | | |
|---|---|---|---|
| Almon | Edmonds | Layton | Ryan |
| Anderson | Fairchild | Lee, Ga. | Sabath |
| Anthony | Freeman | Lee, N. Y. | Sanders, N. Y. |
| Bacharach | Frothingham | Luce | Schall |
| Beedy | Gallivan | McArthur | Shaw |
| Bowers | Goldsborough | McCormick | Shreve |
| Brand | Gorman | McFadden | Siegel |
| Britten | Gould | MacGregor | Smith, Mich. |
| Browne, Wis. | Griest | Magee | Snell |
| Burke | Griffin | Mead | Steenerson |
| Butler | Hammer | Michaelson | Stiness |
| Campbell, Kans. | Harrison | Moore, Ill. | Stoll |
| Carew | Henry | Morin | Sullivan |
| Carter | Herrick | Mudd | Swing |
| Chandler, Okla. | Hogan | Nelson, A. P. | Tague |
| Clark, Fla. | Hull | Nelson, J. M. | Taylor, Ark. |
| Codd | Husted | Norton | Ten Eyck |
| Cole, Ohio | Hutchinson | O'Brien | Tillman |
| Connolly, Pa. | Jacoway | Ogden | Tinkham |
| Cooper, Wis. | Jefferis, Nebr. | Olpp | Tucker |
| Copley | Jones, Pa. | Osborne | Vare |
| Crago | Kahn | Overstreet | Volk |
| Cullen | Keller | Park, Ga. | Volstead |
| Davis, Minn. | Kelly, Pa. | Perlman | Wheeler |
| Deal | Kennedy | Petersen | White, Me. |
| Dempsey | Kindred | Radcliffe | Williams, Tex. |
| Doughton | King | Rainey, Ill. | Wise |
| Drane | Kitchin | Reber | Woodyard |
| Dunbar | Knight | Robertson | Yates |
| Dunn | Kunz | Rose | |
| Dyer | Lampert | Rosenbloom | |
| Echols | Langley | Rossdale | |

So the resolution was agreed to.

The following additional pairs were announced:

Mr. Underhill (for) with Mr. Tillman (against).

Mr. Radcliffe (for) with Mr. Tucker (against).

Mr. Dunbar (for) with Mr. Brand (against).

Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Bacharach (for) with Mr. Park of Georgia (against).

Mr. Edmonds (for) with Mr. Lee of Georgia (against).

Mr. Olpp (for) with Mr. Kitchin (against).

Mr. Cole of Ohio (for) with Mr. Tague (against).

Mr. Griest (for) with Mr. Crago (against).

Mr. Hogan (for) with Mr. Deal (against).

Mr. Vare (for) with Mr. Sullivan (against).

Miss Robertson (for) with Mr. Mead (against).

Mr. McArthur (for) with Mr. Cullen (against).

Mr. Lee of New York (for) with Mr. Carew (against).

Mr. Moore of Illinois (for) with Mr. Kindred (against).

Mr. Henry (for) with Mr. Griffin (against).

Mr. Echols (for) with Mr. Ten Eyck (against).

Mr. Chandler of Oklahoma (for) with Mr. Almon (against).

Mr. Hutchinson (for) with Mr. Gallivan (against).

Mr. Connolly of Pennsylvania (for) with Mr. Rainey of Illinois (against).

Mr. Kahn (for) with Mr. Goldsborough (against).

Mr. Michaelson (for) with Mr. Wise (against).

Mr. Dyer (for) with Mr. O'Brien (against).

Until further notice:

Mr. Magee with Mr. Overstreet.

Mr. Shreve with Mr. Carter.

Mr. Snell with Mr. Williams of Texas.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will read the second clause of the resolution.

The Clerk read as follows:

*Resolved*, That John Paul was duly elected a Member of the House of Representatives from the seventh congressional district of the State of Virginia in this Congress and is entitled to a seat herein.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 99, answered "present" 2, not voting 128, as follows:

YEAS—201.

| | | | |
|---|---|---|---|
| Ackerman | Bird | Burtness | Classon |
| Andrew, Mass. | Bixler | Burton | Clouse |
| Andrews, Nebr. | Boies | Cable | Cole, Iowa |
| Ansorge | Bond | Cannon | Colton |
| Appleby | Brennan | Chalmers | Cooper, Ohio |
| Arentz | Brooks, Ill. | Chandler, N. Y. | Copley |
| Atkeson | Brooks, Pa. | Chindblom | Coughlin |
| Barbour | Brown, Tenn. | Christopherson | Cramton |
| Begg | Burdick | Clague | Crowther |
| Benham | Burroughs | Clarke, N. Y. | Curry |
| Dale | Himes | Mapes | Sinnott |
| Dallinger | Hoch | Merritt | Slemp |
| Darrow | Huck | Michener | Smith, Idaho |
| Denison | Hukriede | Miller | Snyder |
| Dickinson | Humphrey, Nebr. | Mondell | Speaks |
| Dowell | Ireland | Montoya | Sproul |
| Elliott | James | Moore, Ohio | Stephens |
| Ellis | Johnson, S. Dak. | Moores, Ind. | Strong, Kans. |
| Evans | Johnson, Wash. | Morgan | Strong, Pa. |
| Fairfield | Kearns | Mott | Summers, Wash. |
| Faust | Kelley, Mich. | Mudd | Sweet |
| Fenn | Kelly, Pa. | Murphy | Taylor, N. J. |
| Fess | Kendall | Nelson, Me. | Taylor, Tenn. |
| Fish | Ketcham | Newton, Minn. | Temple |
| Fitzgerald | Kiess | Newton, Mo. | Thompson |
| Focht | Kirkpatrick | Paige | Thorpe |
| Fordney | Kissel | Parker, N. J. | Tilson |
| Free | Kleczka | Parker, N. Y. | Timberlake |
| French | Kline, N. Y. | Patterson, Mo. | Tincher |
| Fuller | Kline, Pa. | Patterson, N. J. | Towner |
| Funk | Knutson | Perkins | Treadway |
| Gahn | Kopp | Porter | Vaile |
| Gensman | Kraus | Pringey | Vestal |
| Gernerd | Kreider | Purnell | Voigt |
| Gifford | Larson, Minn. | Ramseyer | Walters |
| Glynn | Lawrence | Ransley | Ward, N. Y. |
| Goodykoontz | Leatherwood | Reece | Wason |
| Graham, Ill. | Lehlbach | Reed, N. Y. | Watson |
| Graham, Pa. | Lineberger | Reed, W. Va. | Webster |
| Green, Iowa | Little | Rhodes | White, Kans. |
| Greene, Mass. | Longworth | Ricketts | Williams, Ill. |
| Greene, Vt. | Luhring | Riddick | Williamson |
| Hadley | McKenzie | Roach | Winslow |
| Hardy, Colo. | McLaughlin, Mich. | Robsion | Woodruff |
| Haugen | McLaughlin, Nebr. | Rodenberg | Wurzbach |
| Hawley | McLaughlin, Pa. | Rogers | Wyant |
| Hays | McPherson | Sanders, Ind. | Young |
| Hersey | MacGregor | Scott, Mich. | Zihlman |
| Hickey | MacLafferty | Scott, Tenn. | |
| Hicks | Madden | Shelton | |
| Hill | Maloney | Sinclair | |

NAYS—99.

| | | | |
|---|---|---|---|
| Abernethy | Driver | Larsen, Ga. | Rucker |
| Aswell | Dupré | Lazaro | Sanders, Tex. |
| Bankhead | Favrot | Lea, Calif. | Sandlin |
| Barkley | Fields | Linthicum | Sears |
| Bell | Fisher | Logan | Sisson |
| Black | Foster | Lowrey | Smithwick |
| Bland, Va. | Fulmer | Lyon | Stafford |
| Blanton | Garner | McClintic | Steagall |
| Bowling | Garrett, Tenn. | McDuffie | Stedman |
| Box | Garrett, Tex. | McSwain | Stevenson |
| Briggs | Gilbert | Mansfield | Sumners, Tex. |
| Buchanan | Hardy, Tex. | Montague | Swank |
| Bulwinkle | Hawes | Moore, Va. | Taylor, Colo. |
| Byrnes, S. C. | Hayden | O'Connor | Thomas |
| Byrns, Tenn. | Hooker | Oldfield | Turner |
| Campbell, Pa. | Huddleston | Oliver | Tyson |
| Cantrill | Hudspeth | Parks, Ark. | Upshaw |
| Cochran | Humphreys, Miss. | Pou | Vinson |
| Collier | Jeffers, Ala. | Quin | Ward, N. C. |
| Collins | Johnson, Ky. | Rainey, Ala. | Weaver |
| Connally, Tex. | Johnson, Miss. | Raker | Wilson |
| Crisp | Jones, Tex. | Rankin | Wingo |
| Davis, Tenn. | Kincheloe | Rayburn | Woods, Va. |
| Dominick | Lanham | Riordan | Wright |
| Drewry | Lankford | Rouse | |

ANSWERED "PRESENT"—2.

| | |
|---|---|
| Bland, Ind. | London |

NOT VOTING—128.

| | | | |
|---|---|---|---|
| Almon | Echols | Langley | Rossdale |
| Anderson | Edmonds | Layton | Ryan |
| Anthony | Fairchild | Lee, Ga. | Sabath |
| Bacharach | Frear | Lee, N. Y. | Sanders, N. Y. |
| Beck | Freeman | Luce | Schall |
| Beedy | Frothingham | McArthur | Shaw |
| Blakeney | Gallivan | McCormick | Shreve |
| Bowers | Goldsborough | McFadden | Siegel |
| Brand | Gorman | Magee | Smith, Mich. |
| Britten | Gould | Martin | Snell |
| Browne, Wis. | Griest | Mead | Steenerson |
| Burke | Griffin | Michaelson | Stiness |
| Butler | Hammer | Mills | Stoll |
| Campbell, Kans. | Harrison | Moore, Ill. | Sullivan |
| Carew | Henry | Morin | Swing |
| Carter | Herrick | Nelson, A. P. | Tague |
| Chandler, Okla. | Hogan | Nelson, J. M. | Taylor, Ark. |
| Clark, Fla. | Hull | Norton | Ten Eyck |
| Codd | Husted | O'Brien | Tillman |
| Cole, Ohio | Hutchinson | Ogden | Tinkham |
| Connolly, Pa. | Jacoway | Olpp | Tucker |
| Cooper, Wis. | Jefferis, Nebr. | Osborne | Underhill |
| Crago | Jones, Pa. | Overstreet | Vare |
| Cullen | Kahn | Park, Ga. | Volk |
| Davis, Minn. | Keller | Perlman | Volstead |
| Deal | Kennedy | Petersen | Wheeler |
| Dempsey | Kindred | Radcliffe | White, Me. |
| Doughton | King | Rainey, Ill. | Williams, Tex. |
| Drane | Kitchin | Reber | Wise |
| Dunbar | Knight | Robertson | Wood, Ind. |
| Dunn | Kunz | Rose | Woodyard |
| Dyer | Lampert | Rosenbloom | Yates |

The following additional pairs were announced:

Mr. Bland of Indiana (for) with Mr. Martin (against).

Mr. Underhill (for) with Mr. Tillman (against).

Mr. Radcliffe (for) with Mr. Tucker (against).

Mr. Dunbar (for) with Mr. Brand (against).

Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Bacharach (for) with Mr. Park of Georgia (against).
Mr. Edmonds (for) with Mr. Lee of Georgia (against).
Mr. Olpp (for) with Mr. Kitchin (against).
Mr. Cole of Ohio (for) with Mr. Tague (against).
Mr. Griest (for) with Mr. Crago (against).
Mr. Hogan (for) with Mr. Deal (against).
Mr. Vare (for) with Mr. Sullivan (against).
Miss Robertson (for) with Mr. Mead (against).
Mr. McArthur (for) with Mr. Cullen (against).
Mr. Lee of New York (for) with Mr. Carew (against).
Mr. Moore of Illinois (for) with Mr. Kindred (against).
Mr. Henry (for) with Mr. Griffin (against).
Mr. Echols (for) with Mr. Ten Eyck (against).
Mr. Chandler of Oklahoma (for) with Mr. Almon (against).
Mr. Hutchinson (for) with Mr. Gallivan (against).
Mr. Connolly of Pennsylvania (for) with Mr. Rainey of Illinois (against).
Mr. Kahn (for) with Mr. Goldsborough (against).
Mr. Michaelson (for) with Mr. Wise (against).
Mr. Dyer (for) with Mr. O'Brien (against).
Until further notice.
Mr. McFadden with Mr. Doughton.

Mr. BLAND of Indiana. Mr. Speaker, I voted aye. I find I am paired with the gentleman from Louisiana [Mr. MARTIN]; I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. DALLINGER, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

SWEARING IN OF A MEMBER.

The SPEAKER. Mr. PAUL will step forward and take the oath of office.

Mr. PAUL appeared at the bar of the House and took the oath of office.

CONFERENCE REPORT—TREASURY DEPARTMENT APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I present a conference report upon the bill (H. R. 13180) making appropriations for the Treasury Department for the fiscal year ending June 30, 1924, and for other purposes, for printing under the rule.

PANAMA RAILROAD CO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Interstate and Foreign Commerce:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the seventy-third annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *December 15, 1922.*

PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES.

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of the Congress and for its determination whether it will authorize that the United States be officially represented in the Permanent Association of the International Road Congresses and grant permission for the Secretary of Agriculture to advance the necessary annual sum for membership fee therein out of the administrative fund provided by section 21 of the Federal highway act of November 9, 1921, a report from the Secretary of State, with an accompanying letter from the Secretary of Agriculture on the subject.

I believe it is altogether desirable for the United States to have representation in this association, and I strongly recommend the granting by Congress of the authority requested by the Secretary of Agriculture.

WARREN G. HARDING.

THE WHITE HOUSE, *December 15, 1922.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4032. An act granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River, in the county of Kankakee, State of Illinois, between section 5, township 30 north, and section 32, township 31 north, range 13 east of the third principal meridian; to the Committee on Interstate and Foreign Commerce.

S. 4031. An act to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Riverdale, in said county; to the Committee on Interstate and Foreign Commerce.

S. 4033. An act granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River, in the county of Kankakee, State of Illinois, between section 6, township 30 north, and section 31, township 31 north, range 12 east of the third principal meridian; to the Committee on Interstate and Foreign Commerce.

S. 4069. An act to authorize the construction of a railroad bridge across the Colorado River near Yuma, Ariz.; to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 408. Joint resolution authorizing payment of the salaries of the officers and employees of Congress for December, 1922, on the 20th day of that month.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHAW, for five days, on account of illness.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, December 16, 1922, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

829. A communication from the President of the United States, transmitting schedules of claims amounting to $1,267,449.35 allowed by the various divisions of the General Accounting Office as covered by certificates of settlement (H. Doc. No. 501); to the Committee on Appropriations and ordered to be printed.

830. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, amounting to $612,033.95, which have been submitted by the Secretary of the Treasury and require an appropriation for their payment (H. Doc. No. 502); to the Committee on Appropriations and ordered to be printed.

831. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1923, for the eradication of the pink bollworm, $75,000 (H. Doc. No. 503); to the Committee on Appropriations and ordered to be printed.

832. A communication from the President of the United States, transmitting a list of judgments rendered against the Government by the district courts of the United States, as submitted by the Attorney General through the Secretary of the Treasury, which require an appropriation for their payment (H. Doc. No. 504); to the Committee on Appropriations and ordered to be printed.

833. A letter from the Secretary of War, transmitting request for the amendment to Public Resolution No. 44, approved April 1, 1922, for the purchase of real estate to establish suitable burial places in Europe for American military dead, so that the expenditures may, when title to such real estate can not be secured, be made instead for the acquisition of the exclusive rights of burial in perpetuity in such lands (H. Doc. No. 505); to the Committees on Appropriations and Military Affairs and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TOWNER: Committee on Insular Affairs. S. 3617. An act to fix the salaries of the auditor and deputy auditor of the Philippine Islands; without amendment (Rept. No. 1276). Referred to the House Calendar.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. S. 4100. An act to amend section 9 of the trading with the enemy act as amended; without amendment (Rept. No.

1277). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Committee on Military Affairs. S. 4037. An act to amend the grade percentages of enlisted men as prescribed in section 4b of the national defense act, as amended; without amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 13429) to amend section 2238 of the Revised Statutes of the United States; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. DENISON: A bill (H. R. 13431) to provide for the erection of a public building at Carbondale, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13432) to provide for the erection of a public building at West Frankfort, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 13433) to provide for insurance against unreasonably low prices for wheat; to the Committee on Agriculture.

By Mr. KEARNS: A bill (H. R. 13434) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A resolution (H. Res. 470) directing that the Committee on Rules be authorized and directed to make full inquiry into the matter of the permanent installation in the House wing of the Capitol Building and in the Hall of the House of Representatives of the apparatus or device therein designated as a public address or voice amplifying system; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 13435) granting a pension to Mary A. Shook; to the Committee on Invalid Pensions.

By Mr. BIRD: A bill (H. R. 13436) granting a pension to Luella M. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting a pension to Margaret E. Dotson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13438) granting a pension to Martin L. Garver; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 13439) granting a pension to Salina A. Julius; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 13440) granting a pension to Mary E. Touhy; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 13441) granting a pension to Mary M. Walden; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13442) granting an increase of pension to Eli J. Hayes; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 13443) granting a pension to Nellie Louise Atkins; to the Committee on Invalid Pensions.

By Mr. REBER (by request): A bill (H. R. 13444) granting a pension to Cora I. Fisher; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13445) granting a pension to Anna D. Arrowsmith; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 13446) granting an increase of pension to Lucius P. Burress; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 13447) granting a pension to Rosetta Cottrill; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6611. By Mr. COLE of Iowa: Petition signed by rural carriers out of Marshalltown, State Center, Melbourne, Gilman, Albion, Haverhill, Green Mountain, Liscomb, Clemons, St. Anthony, Laurel, Rhodes, and Le Grande, all in Marshall County, Iowa, asking for carrier's equipment allowance at rate of $24 per mile per year, and an amendment to present salary scale, making it $1,800 a year for a 24-mile route and $75 per mile per year for overmileage; to the Committee on the Post Office and Post Roads.

6612. Also, petition of Tama (Iowa) County Farm Bureau, indorsing the passage of the French-Capper "truth in fabrics" bill, known as H. R. 64 and S. 799; to the Committee on Interstate and Foreign Commerce.

6613. Also, petition of Frank Slaboch, jr., and 21 others, residents of Tama, Iowa, to abolish discriminatory tax on small arms, ammunition, and firearms, internal revenue bill, section 900, paragraph 7; to the Committee on Ways and Means.

6614. By Mr. FULLER: Petition of sundry citizens of La Salle County, Ill., protesting against the tax on ammunition and firearms; to the Committee on Ways and Means.

6615. Also, petition of Litchfield (Ill.) Merchants' Protective Association, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

6616. By Mr. KISSEL: Petition of the American Society, a Federation for National Unity (Inc.), New York City, N. Y., favoring an investigation of all secret societies; to the Committee on the Judiciary.

6617. By Mr. McLAUGHLIN of Michigan: Petition of Mr. A. J. Harvey and sundry other citizens of Cadillac, Mich., favoring the abolition of the discriminatory tax on small arms, ammunition, and firearms; to the Committee on Ways and Means.

# SENATE.

SATURDAY, *December 16, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we rejoice to call Thee by that name. We recognize a nearness of approach and a consciousness that Thou art with us and ready to help us in every emergency. We thank Thee that Thou hast for us help in our struggles, solution for our problems, forgiveness for our folly and our sin, and art always ready to open before us paths of duty along which Thou wouldst have us walk. Hear and help us this day. Through Jesus Christ. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, December 14, 1922, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### CALL OF THE ROLL.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names.

| | | | |
|---|---|---|---|
| Ashurst | Gooding | McLean | Shortridge |
| Borah | Hale | McNary | Simmons |
| Brandegee | Harreld | Moses | Smith |
| Calder | Harris | Nelson | Smoot |
| Capper | Harrison | New | Spencer |
| Caraway | Heflin | Nicholson | Sterling |
| Colt | Hitchcock | Norris | Sutherland |
| Couzens | Johnson | Overman | Swanson |
| Culberson | Jones, N. Mex. | Owen | Trammell |
| Curtis | Jones, Wash. | Page | Underwood |
| Dial | Kendrick | Pittman | Walsh, Mass. |
| Dillingham | Keyes | Poindexter | Walsh, Mont. |
| Fernald | Ladd | Pomerene | Warren |
| Fletcher | Lodge | Ransdell | Watson |
| George | McKellar | Robinson | Williams |
| Glass | McKinley | Sheppard | |

Mr. CURTIS. I wish to announce that the Senator from Ohio [Mr. WILLIS] is absent on account of illness in his family.

I was requested to announce that the Senator from Arizona [Mr. CAMERON] is necessarily detained on official business.

I was also requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. BROOKHART] are absent on official business.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

### POSITIONS IN UNITED STATES VETERANS' BUREAU.

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement as of December 1, 1922, indicating the total number of positions at the rate of $2,000 or more per annum, the rate of salary attached to each position, and the number of positions at each rate in the central office, also the corresponding information as of November 1, 1922, for the district and subdistrict offices, which, with the accompanying papers, was referred to the Committee on Appropriations.

### CREDENTIALS OF SENATOR-ELECT STEPHENS.

The VICE PRESIDENT laid before the Senate a certificate of the Governor of Mississippi, certifying to the election of HUBERT D. STEPHENS as a Senator from the State of Mississippi